



# MARYLAND COURTS

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## A

**ABA Plea** -- A guilty plea based on an agreement patterned on standards recommended by the American Bar Association (ABA); the defendant and the State present to the court, on the record, an agreement that incorporates a specific sentence bound by the terms relating to sentence and disposition.

**Abated by Death** -- The disposition of a charge due to death of the defendant.

**Absconding Debtor** -- A person who leaves a jurisdiction purposefully to avoid legal process.

**Accommodations** -- Assistance with special needs and interpreters.

**Accomplice** -- A person who knowingly and willingly assists the principal offender in the commission of a crime.

Accused -- The person against whom an accusation is made.

Acquittal -- The finding of a judge that the evidence is insufficient to support a conviction, or a verdict that the accused is not guilty.

Action -- All the steps by which a party seeks to enforce any right in a court or all the steps of a criminal prosecution.

ADA -- A Federal law that prohibits discrimination against people with disabilities (Americans with Disabilities Act).

Adjudication -- A judgment or decision of a court or jury regarding a case.

Admission -- The voluntary acknowledgement of the existence of fact facts relevant to an adversary's case. (Compare Confession)

Affiant -- The person who makes and signs an affidavit.

Affidavit -- A written statement the contents of which are affirmed to be true under the penalties of perjury.

Affirm -- Alternate procedure to swearing under an oath.

Affirmed (Judgment) -- A decision by an appellate court finding that the judgment of a lower court is correct and should stand.

Alias ("Otherwise called") -- indicating one was called by one or the other of two names.

Alleged -- Claimed; asserted; charged.

Alford Plea -- A special type of guilty plea by which the defendant does not admit guilt but concedes that the State has sufficient evidence to convict; normally made to avoid the threat of greater punishment.

Amend -- To change.

Appeal -- The review of a case in a court of higher jurisdiction.

Appeal Bond -- A type of bond set by the court and filed by the appellant until the cause can be passed upon and disposed of by the superior court. The purpose of this bond is to assure that the appellant will prosecute his appeal and will appear in court.

Appearance -- A coming into the court in person or by filing a paper, as plaintiff, defendant, or legal representative.

Appellant -- The party who takes an appeal from one court to another.

Appellate Court -- A court having jurisdiction to review the judgment or order of a lower court.

Appellate Court of Maryland -- Maryland's intermediate appellate court wherein review is ordinarily a matter of right.

Appellee -- A party against whom an appeal is taken.

Arraignment -- The procedure whereby the accused is brought before the court to plead to the criminal charge in the indictment or information.

Arrest -- To deprive a person of his liberty by legal authority.

Attachment -- The process of apprehending a person (as in a body attachment) or seizing property to satisfy a judgment.

Attorney Information System (AIS) - Centralized Judiciary database for Attorney Information

Attorney of Record -- An attorney who represents a party and has entered an appearance in an action. (See: Counsel)

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Bail -- A sum of money or other form of security given to the court in exchange for the release of the accused from custody and to guarantee that the accused will appear in court.

**Bail Bond** -- A written obligation of a defendant, with or without a surety or collateral security, conditioned on the appearance of a defendant as required and providing for the payment of a penalty sum according to its terms; includes a surety bond posted by a surety insurer or bail bondsman and backed by the insurer's pledge; a cash bond secured by deposited cash; a property bond secured by pledged personal property or a lien on real property; and/or an unsecured bond.

**Bail Bond Forfeiture** -- The failure to satisfy the condition of the bond, namely the appearance in court as required, causing the full penalty amount to become due.

**Bail Bondsman** -- The authorized agent of a surety insurer.

**Battery** -- The unlawful application of physical force to, or offensive touching of, another without the individual's consent.

**Bench** -- The body of judges composing a court.

**Bench Warrant** -- A warrant issued by a judge for the arrest of a defendant for failure to appear in court as required.

**Bifurcate** -- To try issues separately, such as criminal responsibility and guilt in a criminal proceeding and liability and damages in a civil action.

**Bill of Particulars** -- A demand by a defendant in writing, unless otherwise ordered by the court, seeking specific factual details about a civil complaint or criminal charge; in a criminal case, the purpose of the bill of particulars is to guard against the taking of an accused by surprise by limiting the scope of the proof.

**Body Attachment** -- A written order issued by a court directing a sheriff or peace officer to take custody of and bring before the court:

1. A witness who fails to comply with a subpoena.
2. A party who fails to comply with a court order in a civil action.
3. A material witness in a criminal case.

**Burden of Proof** -- The necessity of proving facts at issue in Maryland, the criminal burden of proof is "beyond a reasonable doubt"; the civil burden of proof is "by a preponderance of the evidence," or sometimes "by clear and convincing evidence."

Capital Case -- A criminal case in which the allowable punishment includes death.

Case Law -- Decisions of federal and state courts interpreting and applying laws in specific fact situations; opinions are reported in various volumes.

Central Repository -- The Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

Cepi -- I have taken; the return on a warrant indicating that the defendant has been arrested.

Certified Copy -- A copy of a document or record that is certified by the official custodian of the original as a true copy.

Certified Mail -- Mail deposited with the US Postal Service, with postage prepaid and return receipt requested.

Certiorari (writ of) (Trans: to be more fully informed) -- The process by which an appellate court calls for the records of a case from a lower court for review.

Change of Venue -- The transfer or removal of a civil or criminal case from one judicial district to another. (Compare Removal)

Charging Document -- A written accusation alleging that a defendant has committed an offense, including a citation, an indictment, an information, and or a statement of charges.

Circuit -- A geographical area including one or more counties over which the court's jurisdiction or a judge's representation extends; under Article IV, Sections 14 and 19 of the Constitution of Maryland, there are six appellate circuits in Maryland and eight trial level circuits.

Circuit Court -- A trial court of general jurisdiction.

Citation -- A charging document, other than an indictment, information, or statement of charges, issued to a defendant by a peace officer or other person authorized by law to do so.

Clerk -- An officer of the court who maintains case files, makes docket entries, issues process, and generally serves as the ministerial arm of the court.

Co-defendant -- One of multiple persons named in the same civil complaint or charged in the same criminal charging document.

Collateral Security -- Any property or money pledged or given to guarantee bail.

Commitment Order -- A court order directing that a person be kept in custody, usually in a penal or mental facility.

Common Law -- That body of law that was originated in England and was brought to the United States.

Complaint, Criminal -- A charge brought before a judicial officer that a person named has committed a specified offense.

Concurrent Sentences -- Upon conviction of multiple counts/charges in one or more cases, sentences must be served at the same time, rather than one after the other (see: consecutive sentence).

Confessed Judgment -- An action seeking final judgment based upon a person agreeing, in advance, to the entry of judgment against them upon the occurrence or non-occurrence of an event, such as making a payment.

Confession -- A statement by an individual, either oral or written, admitting that he or she committed a certain offense. (Compare admission)

Confidential Record -- An official record of which a statute prohibits public review, such as presentence investigation reports. (Compare Public, Sealed, or Shielded Records)

Consecutive Sentences -- Upon conviction of multiple counts/charges in one or more cases, sentences must be served one after the other, rather than at the same time

(see: concurrent sentence).

Contempt, Civil -- Noncompliance with a court order or rule that affects another person; punishment is administered to compel compliance.

Contempt of Court -- Failure to obey a court order. A disregard of, or disobedience to, the rules or orders of a judicial body or an interruption of its proceedings by disorderly behavior or insolent language.

Continuance -- A postponement.

Contract -- A written or verbal agreement for the exchange of goods or services between at least two parties.

Conviction -- The determination of guilt based on a plea, a jury verdict, or a finding of a judge.

Costs -- Fees and charges required by law to be paid to the court, the amount of which is fixed by statute or court rule.

Counsel -- A person who is admitted to practice in a court of law and gives legal advice. (See: Attorney of Record)

Count -- A separate charge in a charging document or separate cause of action in a civil complaint.

Counter Complaint -- A claim filed by a defendant in a civil case against the plaintiff.

Court -- Judge or body of judges whose task is to hear cases and administer justice.

Court Order -- A command or mandatory direction of a judge which is made during a case. Also includes a command of the judge which established courtroom or administrative procedures.

Court Records -- All official records maintained by the clerk or other personnel pertaining to any criminal action or proceeding for expungement, including indices, docket entries charging documents, pleadings, memoranda, assignment schedules,

disposition sheets, transcriptions of proceedings, electronic recordings, orders, judgments, and decrees. Not included are records pertaining to nonincarcerable violations of the Maryland vehicle laws or other traffic law, ordinance, or regulation, published opinions of the Court, cash receipt and disbursement records necessary for audit purposes; or a Court reporter's transcript of proceedings involving multiple defendants.

Crime -- A positive or negative act in violation of penal law; an offense against the state classified either as a felony or misdemeanor.

Crimes of Violence -- Maryland Law provides a definition for Crimes of Violence as they relate to mandatory sentences in certain crimes and crimes of violence relating to pistols and revolvers.

Cross Claim -- A claim asserted between co-defendants or co-plaintiffs and in a case that relates to the subject of the original claim or counterclaim. A claim by one party against a co-party.

Cross-examination -- Examination of one party's witness by the other party.

Custodia Legis -- In the custody of the law; property that has been lawfully taken, by authority of legal process, and remains in the possession of a public officer or an officer of a court empowered by law to hold the property.

Custody -- The detainment of a person by virtue of lawful process or authority; actual imprisonment.

Custody Case -- The type of proceeding in which the court determines which parent, other adult, or agency shall have physical control over a child.

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Default -- The failure to appear, to defend, or to follow proper procedure in a lawsuit.

Defendant -- The person against whom a suit is filed, or in a criminal action, who has been charged with a violation of the law or criminal wrong doing.



De Novo Appeal (Trans: for new) -- An appeal from a District Court to a circuit court for a new trial at which new evidence may be presented and new determinations are made. All criminal traffic charges are heard de novo in the circuit court.

Deposition -- Pretrial examination of a witness on written or oral questions answered under oath, used to discover the witness' testimony in preparation for trial, and admissible at trial in lieu of live testimony if the witness is unavailable or refused to testify.

Detinue -- An action for the value of goods. If in a replevin action it is not possible to repossess the goods, the action will roll over into detinue.

Discovery -- Procedures used to obtain the disclosure of evidence before trial, such as: depositions, by oral examination or written questions; written interrogatories; requests for production or inspection of documents; orders for mental or physical examinations; and requests for admissions of fact and genuineness of documents.

Dismissal -- Rules provide for both voluntary and involuntary dismissals. Upon entry of a dismissal, except a dismissal without prejudice, the matter has effectively ended.

Disposition -- Determination of the final arrangement or settlement of a case following judgment.

Distress or Dstraint -- Seizure; taking personal property out of the custody of a wrongdoer and into the custody of the party injured; for example, distress is a remedy for failure to pay rent.

District Court -- Lowest State trial court; a court of limited jurisdiction.

Docket -- A list of the cases to be heard in the court; or a formal record of court's activity.

Docket Number -- Case number; the designation assigned to each case filed in a particular court.

**Citation** -- The electronic version of the MD Uniform Complaint and Citation (traffic citation). Citations are entered in the issuing officer's patrol car and a copy is given to the violator.

**Electronic Surveillance** -- Court-authorized interception by use of an electronic device of wire or oral communications; wiretapping; eavesdropping.

**Emergency Evaluation** -- Petition filed for issuance of an order by someone other than the subject for an emergency mental and/or physical evaluation that could result in involuntary admission to a facility.

**Emergency Family Maintenance** -- A monetary award that can be ordered by the court in a domestic violence case when the respondent has a duty to support his/her spouse and/or children.

**Enforcement** -- Action taken to obtain compliance with a court order.

**Escrow** -- The placing of money, a deed, or real property in the hands of a third party to be held until the performance of a condition.

**Eviction** -- Action taken to legally dispossess a person of land or property.

**Evidence** -- All the means by which a matter of fact, the truth of which is submitted for investigation, is established or disproved.

**Examination in Aid of Enforcement of Judgment** -- A request by plaintiff (judgment creditor) to discover the assets of a defendant (judgment debtor) after entry of judgment. (Also known as an Oral Examination; formally known as Supplementary Proceeding in aid of enforcement of judgment.)

**Exception** -- A formal objection to an action of the court during trial, evidencing the objecting party's disagreement with the court's ruling and preserving the matter for review on appeal.

**Execution** -- A method of obtaining satisfaction of a judgment.

Exclusive Jurisdiction -- Jurisdiction held by only one court over the type of case.  
(Compare Concurrent Jurisdiction)

Exhibits -- Documents and other tangible things that are attached to a pleading or offered as evidence in a case, after being marked for identification.

Ex Parte -- On one side only, by or for one party; done for, in behalf of, or on the application of, one party only.

Expungement -- The effective removal of police and/or court record from public inspection.

Extradition -- The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other which, being competent to try and punish him, demands the surrender.

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Felony -- A serious criminal offense, punishable by imprisonment for more than one year or death.

Finding -- A determination of fact by a judicial officer or jury.

Fine -- A sum of money a person must pay as punishment because of an illegal act or omission.

Forfeiture -- The loss of money or property or rights to property by failing to perform a condition or obligation required by the law or court without compensation to the owner.

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Garnishee -- A person holding the property or assets of a judgment debtor.

Grand Jury -- A jury composed of 23 persons who receive evidence and determine if that evidence is sufficient for a criminal indictment.

Guide & File -- Tool developed by the Maryland Courts to help you complete court forms online. The application guides you through a series of questions called an "interview." This free program copies your interview answers directly into your court form exactly as you enter it. When you're done, the program automatically generates your completed forms, along with detailed instructions on what to do next.

Guilty -- The word used by an accused in pleading to the charges when he confesses to committing the crime of which he is charged. It is also used by the judge if he finds that the accused committed a criminal offense or a traffic infraction.

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Habeas Corpus (Trans: you have the body) -- A writ which brings a person before a court.

Hearsay -- Evidence offered by a witness based on what others have said.

Hicks Waiver -- Waiver of the defendant's right to a speedy trial, which is 180 days from the defendant's initial appearance, in person or by attorney.

Hospital Warrant -- In accordance with Health-General Article 12-120, a warrant issued by the court where a determination that probable cause exists that the named defendant has violated a conditional release under Title 12 of the Health-General Article.

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Immunity from Prosecution -- Protection from prosecution in exchange for testimony that might not otherwise be forthcoming.

In Banc Review -- A review of the trial court's rulings or judgment by a panel of three circuit court judges.

In Camera -- In chambers; in private.

Incarceration -- Imprisonment; confinement in a jail or penitentiary.

Incompetency -- Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense.

Indictment -- A charging document returned by a grand jury and filed in a circuit court.

Indigent -- A person who is unable to afford the expense of a private counsel, payment of fines, and other related costs.

Information -- A charging document filed in a court by a State's Attorney.

Infraction (Civil) -- A violation of a statute, ordinance, or regulation for which the only penalty authorized is a civil fine.

In Forma Pauperis -- Frequently used by inmates filing papers to seek waiver of prepayment of filing fees in State courts.

Initial Appearance -- The procedure by which an arrested defendant is promptly brought before a judicial officer who advises the defendant of the charges against him, his right to counsel, and his first day to appear in court and establishes conditions of pre-trial release. It also includes a probable cause determination on a warrantless arrest and advice of preliminary hearing in felony cases.

In Propria Persona -- in one's own proper person; a party choosing to represent himself or herself without the benefit of an attorney; pro se.

Insanity Plea -- A claim that the defendant lacks the soundness of mind required by law to accept responsibility for a criminal act.

Interrogatories -- A set of written questions for the purpose of discovery.

Interstate Detainer -- An arrest warrant issued on a charging document in another state and lodged with a correctional institution in Maryland in which the defendant is already detained to ensure continued detention of the defendant until delivered to the custody of the other state for prosecution on the pending charges.

Intrastate Detainer -- An arrest warrant issued on a charging document in Maryland and lodged with a correctional institution in Maryland in which the defendant is

already in custody for the same or another offense to ensure continued detention of the defendant until processed on the charges underlying the warrant.

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Jointly and Severally -- Acting together and separately; anyone so liable can sue or be sued with or without others joining in the action.

Judge -- Can be a judge of any court in this state, but most often will be a judge of the court which issued the documents you have before you, or a judge of the court having jurisdiction over the matter before you.

Judgment -- The final order of the court; in a criminal case, the conviction and sentence constitute the judgment, so there is no judgment until sentence is imposed.

Judgment of Acquittal -- A judgment entered by the court upon a determination that the State's evidence is insufficient to support a conviction and, thus insufficient to go to the jury.

Judicial Officer -- A judge or a District Court commissioner.

Jurisdiction -- Authority by which courts receive and decide cases.

Appellate Jurisdiction -- the authority that a higher court has to review cases decided in a lower court; the Supreme Court of Maryland, Appellate Court of Maryland, and circuit courts have appellate jurisdiction.

General Jurisdiction -- the unlimited authority over cases brought before the court to decide rights and grant remedies available under the law; circuit courts are courts of general jurisdiction.

Limited Jurisdiction -- the authority over only particular types of cases, or cases under a prescribed amount in controversy, or seeking only certain types of relief, the District Court is a court of limited jurisdiction.

Jury -- A group of 12 citizens assembled to hear evidence at trial and make a unanimous decision as to guilt or innocence beyond a reasonable doubt.

Jury Trial Prayer -- A case that was originally filed in the District Court, but for which a trial by jury in the Circuit Court is requested.

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Landlord's Complaint for failure to pay rent -- An action for the recovery of possession of real property.

Law Enforcement Unit -- A State, county, or municipal police department or unit, the office of a Sheriff, the office of a State's Attorney, or the office of the Attorney General of the State.

Lesser Included Offense -- A crime composed of some, but not all, of the elements of a greater crime; commission of the greater crime automatically includes commission of the lesser included offense.

Levy -- A setting aside of the defendant's property made by the sheriff or constable; this property is placed in custody of law.

Lien -- A claim upon the real property of another for some debt; the property remains in the defendant's possession.

Line (Praecipe) (Trans: command) -- A written request by an attorney entering his/her appearance, for the client before the court.

Litigant -- A party to a lawsuit; one engaged in litigation.

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Mandamus -- A court order compelling an individual to fulfill an official ministerial duty.

Mandate -- The judgment issued upon the decision of an appellate court.

Marital Property -- The property, however titled, acquired by one or both parties during the marriage. Note: Marital Property does not include property acquired before the marriage; acquired by inheritance or gift from a third party; excluded by valid

agreement; acquired during the period that the parties voluntarily lived separate and apart without cohabitation and without interruption; directly traceable to any of these sources.

Mediation -- A form of alternative dispute resolution in which a trained neutral person, a mediator, helps people in a dispute to communicate with one another, understand each other, and if possible, reach agreements that meet the participants' needs.

Merged -- The absorption of a lesser included offense into a more serious offense.

Merits -- Strict legal rights of the parties; a decision "on the merits" is one that reaches the right(s) of a party as distinguished from a disposition of the case on a ground not reaching the rights raised in the action; for example, in a criminal case double jeopardy does not apply if charges are nolle prossed before trial commences, and in a civil action res judicata does not apply if a previous action was dismissed on a preliminary motion raising a technicality such as improper service of process.

Microfilm -- A photographic record on film of printed or other graphic matter.

Minor -- An individual under the age of 18 (eighteen) years.

Miranda Warning -- A requirement based on a United States Supreme Court decision that a person be advised of certain constitutional rights against self-incrimination at the time of arrest and before questioning.

Misdemeanor -- A minor criminal offense (other than a felony or an infraction) punishable by a fine, imprisonment, or both.

Mistrial -- A trial that has been terminated and declared void due to prejudicial error in the proceedings or other extraordinary circumstances.

Modification -- (a change or alteration) An order changing the terms of a prior order of the Court. Modifications can be ordered in open and closed cases. (Also known as Reconsideration)

Moot -- Issue previously decided or settled. Of no practical importance. Non-issue.



Motion -- A request to a court by one or more of the parties for a specific action in a case.

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Nolle Prosequi (Nol Pros) (Trans: to be unwilling to proceed) -- A formal motion in a case by the State's Attorney, indicating that the charges will not be prosecuted.

Nolo Contendere (Trans: "I will not contest it.") -- The name of a plea in a criminal action having the same legal effect as a plea of guilty so far as regards all proceedings in the case and on which the defendant may be sentenced.

Non Est (Inventus) (Trans: not to be found) -- the sheriff's return of process when service is not made because the person was not found.

Notice of Release -- A written request for expungement of police records.

Nuisance -- An action that interferes with the use of property by being irritating, offensive, obstructive or dangerous.

Nulla Bona -- No goods; a return to a writ of execution when no goods of the defendant are found to levy.

Nunc Pro Tunc -- Now for then; phrase used when an order is issued on one date but is effective as if issued on an earlier date when it should have been issued.

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Offense -- A violation of the criminal laws of this State or any political subdivision thereof.

Opinion -- The statement of the court's decision in a case, setting out the reasons for the decision.

Oral Examination -- A request by plaintiff (judgment creditor) to discover the assets of a defendant (judgment debtor) after entry of judgment. (Also known as Examination in

Aid of Enforcement of Judgment; formally known as Supplementary Proceeding in aid of enforcement of judgment.)

Order -- A ruling of the court, on a motion, objection, or other matter relating to a preliminary point or some step in the proceedings.

Ordinance -- The enactments of the legislative body of a local government.

Original Jurisdiction -- Jurisdiction of the first court to hear a case.

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Pardon -- Relief from a conviction (full pardon) or from any further punishment imposed by a conviction (particular pardon) granted by an executive official (governor or president).

Parole -- A conditional release from imprisonment by a parole board that entitles the defendant to serve the remainder of the sentence outside of the prison as long as all of the conditions of release are met. (Compare Probation).

Peace Officer -- A person charged with the duty to enforce and preserve the public peace. (See: Huger v. State, 285 Md. 347, 353.)

Peace Order -- An emergency form of relief or an order available to individuals who are experiencing problems with another person, including someone in a dating relationship, a neighbor, or a stranger.

Pending -- Cases that are awaiting further action.

Person -- Any individual, partnership, joint stock company, unincorporated association or society, municipal or other corporation, the State, its agencies or political subdivisions, or any other governmental entity.

Petitioner -- The person requesting the court's help.

Petition for Expungement -- A written request for expungement of Court and police records.

Petty Offense -- An offense the penalty for which does not exceed imprisonment for a period of three months or a fine of five hundred dollars.

Plaintiff -- A complaining party in a civil action.

Plea -- The defendant's formal answer to criminal charges. Typically defendants enter one of the following pleas: guilty, not guilty, or nolo contendere.

Plea Agreement -- Agreement between the prosecutor and the defendant to exchange a plea of guilty or nolo contendere for reduction in the charge(s) or leniency in sentencing.

Pleadings -- The formal allegations by the parties of their respective claims and defenses for the judgment of the court; in criminal matters, this includes a charging document.

Police Record -- All official records that a law enforcement unit, booking facility, or the Central Repository maintains about the arrest and detention of, or further proceeding against, a person for a criminal charge, a suspected violation of a criminal law, or a violation of the Transportation Article for which a term of imprisonment may be imposed. Not included are investigatory files, police work-product records used solely for police investigation purposes, or records pertaining to nonincarcerable violations of the vehicle laws of the State or of any other traffic law, ordinance, or regulation.

Post Conviction -- A procedure by which a convicted defendant challenges the conviction and/or sentence on the basis of some alleged violation or error.

Prayer for a Jury Trial -- Request of a defendant in certain cases to be tried by a jury.

Preliminary Hearing -- A hearing held in the District Court, unless waived by defendant, to determine whether there is probable cause to believe the defendant committed the offense(s); available when offense(s) charged are not within the exclusive jurisdiction of the District Court.

Preliminary Inquiry -- Pre-trial hearing to determine that the defendant has received a copy of the charging document and understands the offenses with which he is charged and the penalties thereof. The defendant is also advised of right to counsel,

referred to the Public Defender, if eligible, and informed that further appearance in court without counsel is deemed to be a waiver of counsel.

Presentence Investigation Report (PSI) -- A confidential report ordered by the judge and produced by the division of parole and probation prior to sentencing, to provide background information (job, finances, family status, community ties, etc.) and prior criminal record of the defendant and, in certain cases, a victim impact statement.

Presentment Before Grand Jury -- Presentation of evidence, including testimony of witnesses, by the State's Attorney to the grand jury to establish probable cause that the accused committed the alleged offense and to seek issuance of an indictment.

Presumption -- An inference of the truth or falsehood of a proposition or fact that stands until rebutted by evidence to the contrary.

Pretrial Release -- The release by a judicial officer of a defendant, prior to trial, under conditions that the judicial officer feels will reasonably assure the defendant's appearance as required.

Prima Facie -- Evidence good and sufficient on its face.

Private Process Server -- An adult private person, not a party to a case, used to deliver a summons, subpoena, or other court order.

Probable Cause -- Information given to a judicial officer that is sufficient in itself to warrant the issuance of a charging document.

Probation -- A means of conditionally releasing an individual after trial.

Probation Before Judgment (PBJ) -- A conditional avoidance of imposition of sentence after conviction; failure to satisfy the terms and conditions may cause imposition of sentence after a finding of violation of probation.

Procedural Law -- The method, established normally by rules, to be followed in a case; the formal steps in a judicial proceeding.

Process -- Any written order issued by a court to secure compliance with its commands or to require action by any person and includes a summons, subpoena, an order of publication, or a commission of other writ.

Prosecuting Attorney or Prosecutor -- A public officer whose duty is the prosecution of criminal proceedings on behalf of the citizens of the state; most often refers to a State's Attorney or Assistant State's Attorney but, for some crimes, can be the State Prosecutor or Attorney General.

Public Defender -- Counsel provided at public expense, primarily to defend indigent defendants in criminal cases.

Public Record -- A record maintained in a government office, such as a court record, available for inspection by the general public. (Compare Sealed, Shielded or Confidential Record).

Purge -- To cleanse or clear; eliminate inactive records from court files; with respect to a civil contempt, to cure the noncompliance that caused the contempt finding.

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Quash -- To set aside or to make void; with respect to process, such as a summons or subpoena, to void on motion of the person served.

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Rebuttal -- The act of contradicting or overcoming the effect of a presumption or evidence.

Recall -- Cancellation by the court of a warrant before its execution by the arrest of the defendant.

Reconsideration -- (a change or alteration) An order changing the terms of a prior order of the Court. Reconsiderations can be ordered in open and closed cases. (Also known as Modification)

Record on Appeal -- The case file and its contents, together with a transcript of all proceedings in the lower court.

Recuse -- A judge's determination of the inappropriateness of his/her hearing a particular matter.

Release of Lien -- The cancellation of record of a Declaration of Trust or other recorded security instrument given to secure a bail bond that has been discharged.

Remand -- An action by the court that sends a case to another court or agency for further action.

Removal -- Change of location (venue) of a case on the grounds that a party cannot receive a fair and impartial trial in the jurisdiction in which the action is pending.

Replevin (Trans: to make good, to satisfy) -- To recover the possession of goods or property unlawfully taken or detained.

Res Gestae -- Things done; rule under which a remark made spontaneously and concurrently with an incident carries an inherent degree of credibility and is admissible because of its spontaneous nature (excited utterance); an exception to the hearsay rule.

Res Judicata -- The matter already has been decided; a rule against relitigation of issues.

Respondent -- The alleged abuser in a domestic violence case.

Restitution -- The act of making good or giving equivalent of any loss, damage, or injury.

Return -- The act of a sheriff, constable, or other ministerial officer in delivering back to the court a writ, notice, or other paper which he was required to serve or execute with a brief account of his doings under the mandate, the time and mode of service or execution or his failure to accomplish it, as the case may be. Also the endorsement made by the officer upon the writ or other paper stating what he has done under it, the time and mode of service etc.

Reverse Waiver -- Procedure by which charges against a minor defendant are transferred from the circuit court to the juvenile court.

Review of Sentence -- Review of a criminal sentence by a three judge panel (excluding the sentencing judge) on application of the defendant; as a result of the review, the sentence may be increased, decreased, or remain unchanged. (Compare Revision of Sentence).

Revision of Sentence -- A procedure by which the trial court (ordinarily the sentencing judge, unless unavailable) is asked to correct an allegedly illegal sentence or otherwise modify the sentence; as a result of the procedure, the sentence may be decreased or remain the same, but may not be increased unless done before the defendant leaves the courtroom at the original sentencing proceeding.

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Satisfaction -- An entry made on the record by a plaintiff that states that he/she has been paid and the judgment satisfied.

Sealed Record -- A record closed by a court to further inspection by anyone unless ordered by the court. (Compare Public, Shielded, or Confidential Record).

Search Warrant -- A written order by a judge directed to a peace officer or constable commanding the officer to search for and seize property as described therein.

Seizure -- The taking of a defendant's property to satisfy a judgment.

Sentence -- The judgment of court after conviction awarding punishment.

Shielded Record - A record or information in a record removed from public inspection by a judge or commissioner. (Compare Public, Sealed, or Confidential Record)

Split Sentence -- A sentence imposing a fine and imprisonment with the imprisonment part suspended or imposing a period of imprisonment, part of which is suspended and a period of probation is imposed.

**Sequester** -- Separate or isolate; for example, to separate witnesses from each other, to separate property from a party and place it in the custody of the court or a third person, etc.

**Service** -- Delivery of a writ, notice, injunction, etc., by an authorized person, to a person who is thereby officially notified of some action or proceeding in which the person is concerned.

**Service of Process, Personal** -- Service of a summons or other process made by delivering it in person to the person named in the process.

**Settlement Conference** -- A process in which you and anyone else involved in your case meet with a neutral attorney who will help you try and find ways to settle your case.

**Shielded Record** -- A record or information in a record removed from public inspection by a judge or commissioner. (Compare Public Record or Confidential Record)

**Show Cause** -- A process directed to a person to appear in court and present reasons why a certain order, judgment, or decree should not be made final.

**Speedy Trial** -- The right of the accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution; in Maryland, the right to be tried within 180 days after initial appearance, unless waived.

**Statement of Charges** -- A charging document, other than a citation, filed in District Court by a peace officer or by a judicial officer.

**State's Attorney** -- A person authorized to prosecute an offense on behalf of the State or a political subdivision thereof.

**Statute** -- An act of the General Assembly declaring, commanding, or prohibiting something.

**Stay** -- Hold in abeyance. An order entered by a judge suspending or postponing a proceeding or execution of an action before the Court.



Stet (Trans: to stand) -- A conditional stay of all further proceedings in a case. On motion of the State's Attorney, the court may indefinitely postpone trial of a charge by marking the charge "stet" on the docket.

Sua Sponte --Of its own will; commonly when a judge does something without being so requested by any party in a case.

Sub Curia (Trans: under law) -- An action of the court ordering a matter to be held pending resolution due to a legal requirement (a procedure, rule or statutory requirement that prevented the finality of the matter).

Subpoena -- A writ issued by a court that compels a person to appear and give testimony at a specified time and place.

Subpoena Duces Tecum -- (Trans: bring it with him) -- A writ commanding a witness to appear and produce documents or papers in court that are relevant to a case.

Subsequent Offender -- A defendant who, because of prior conviction, is subject to additional or mandatory statutory punishment for the offense charged.

Summons -- A writ notifying the person named that an action has been filed against the person and

1. in a criminal action, failure to appear may result in a bench warrant being issued for the person's arrest.
2. in a civil action, failure to answer may result in entry of a judgment against that person.

Supplementary Proceedings -- Proceedings supplementary to an execution, directed to the discovery of a debtor's property and the application of the property to the debt for which the execution is issued.

Suppress -- To stop, prohibit, prevent, subdue; with respect to evidence, to prevent its use by showing it was obtained illegally or is irrelevant.

Supreme Court of Maryland -- Maryland's highest appellate court wherein review is ordinarily a matter of discretion.

Surety -- One who makes himself responsible for the defendant's obligation to appear in court and agrees to pay money or do other acts in the event that the defendant does not appear.

Surety Bond -- A bond posted by a surety insurer ensuring that the penalty sum will be paid if the conditions of the bond are not satisfied.

Surrender (by bail) -- The return of the defendant again into custody by the surety on a bail bond.

Suspend -- To set aside all or part of a sentence.

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Tenant Holding Over (THO) -- A landlord-tenant action filed by the lessor to repossess certain leased premises which the tenant has not vacated after notice.

Third Party Claim -- A defendant may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the defendant for all or part of a plaintiff's claim against the defendant. A person so served becomes a third-party defendant.

Tort (Trans: twisted) -- An injury or damage to person/or property for which the person who caused the injury is legally responsible.

Tracking Number -- The assigned 12-digit number that identifies the defendant and incident throughout criminal proceedings; the number identifies the year (first 2 digits), the origin of the charging document (next 4 digits), and the place of the charge(s) within the sequence of charges issued that year (last 6 digits).

Transcript -- The official typed record of court proceedings, including the word for word testimony of witnesses, statements by attorneys, rulings by the judge, etc., prepared by the court reporter from stenographic notes or electronic recording made during the proceeding.

Transfer -- In a criminal case, a change of location (venue) of the case to another location in which charges are pending and to which the defendant has pled guilty or

nolo contendere, to permit the defendant to similarly plead to the transferred charges, and have sentence imposed as to all the charges.

Trial De Novo -- From the beginning; appeal in which the reviewing court completely retries the case. (see De Novo)

Triple Seal -- Exemplified copy; a term referring to a certification of a court document's authenticity by signature of the clerk and seal of the court and certification by a judge of the court as to the authenticity of the clerk's signature and seal; used to permit admission of the court document in a proceeding in another state under the full faith and credit provision of the U.S. Constitution.

True Copy Test -- A copy of a court document given under the clerk's seal, but not certified.

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U.S. Court of Appeals -- Federal appellate court having jurisdiction over actions decided in the U.S. District Court.

U.S. District Court -- Federal trial court with general jurisdiction.

## V

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Vacated -- To make void or set aside.

Venue -- The geographical division in which an action or prosecution may be brought for trial.

Verdict -- The finding of a court.

Verification -- An oral or written statement that something is true, usually made under oath or affirmation.

Voir Dire (Trans: to speak the truth) -- the preliminary examination of a prospective juror, or witness, to determine whether the person is competent, impartial, and unprejudiced.

Vulnerable Adult -- Adult who is physically or mentally incapable of providing for his/her daily needs.

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Waive/Waiver -- Giving up a legal right voluntarily, intentionally, and with full knowledge of the consequences.

Waiver of Fees -- An action for an order permitting a person to obtain a good or service without having to pay the standard fee.

Warrant -- A written order by a judicial officer commanding a peace officer to arrest the person named in it or to search for and seize property as described in it.

Arrest -- A written order by a judicial officer directed to a peace officer and commanding him to arrest the body of a person named in it who is accused of an offense.

Bench -- Process issued by the court itself, or "from the bench," for the attachment or arrest of a person.

Search -- A written order by a judge directed to a peace officer and commanding him to search for and seize property as described therein.

Witness -- One who testifies to what he has seen, heard, or otherwise observed and who is not necessarily a party to the action.

Writ -- A written order issued by a court and addressed to a sheriff or other person whose action the court desires to command to require performance of a specified act or to give authority to have the act done.

Writ of Execution -- An order of court commanding performance of a specified act or granting authority to have the action done.

Writ of Garnishment of Property -- An order of court commanding that a defendant's assets be seized and the money paid to the plaintiff to satisfy a judgment.

Writ of Garnishment of Wages -- An order of court commanding that a portion of the defendant's wages are deducted regularly and paid to the plaintiff to satisfy a judgment.

Writ of Habeas Corpus -- A court order compelling a Warden/Sheriff to bring a prisoner before a court at a specific date and time, most frequently to determine whether the prisoner is being held lawfully.

Wrongful Death -- A lawsuit brought by a decedent's survivors for their damages resulting from a tortuous injury that caused the decedent's death.

Wrongful Detainer -- (formerly known as Forcible Entry and Detainer) A proceeding for regaining possession from someone who has wrongfully taken or refused to surrender possession of property.

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