

BL 1.02 Key Terms

Answer- The response to a civil complaint

Arraignment/Initial Hearing-the charged person is brought before a judge to determine probable cause to have the case heard by a grand jury for possible indictment (if a felony charge). This arraignment is also used to change or set any bail requirements.

Arrest-a person who has allegedly committed a felony offense or a serious misdemeanor offense that does not meet the requirements for a person to be released on a signature summons.

Civil Court-The civil jurisdiction of the trial court divisions – the

Closing Arguments-Closing arguments are each parties' principal opportunity to remind jurors about key evidence presented and to persuade them to adopt an interpretation favorable to their position

Complainant (Plaintiff)- The person or entity bringing or filing

Complaint-The initial pleading by which a lawsuit is begun

Criminal Court-The criminal jurisdiction of the trial courts depends on

Defendant- The person or entity against which the lawsuit is brought

Evidence- Item such as a coroner's report, a weapon in a criminal case or photographs in a civil case that can help corroborate or refute the testimony of other witnesses.

Federal District Courts-The district court is the lowest level of Federal court with general jurisdiction. This is the trial court or first to hear the dispute in the Federal system. It has the power to determine the facts and make initial determinations. It also has original jurisdiction on Federal cases that fall under the Constitution, U. S. Law and U. S. treaties and between a U. S. citizen and a foreign nation or a foreign citizen.

Grand Jury-a panel of eighteen citizens that is randomly drawn from the same pool as those selected for jury duty for a trial. Criminal cases are presented for a grand jury to determine if probable cause exists for the case

Initial Bail-the arrested person is taken before a magistrate and based on the charge, circumstances and the offenders prior criminal record, the magistrate sets an initial bail-bond amount in order for the person charged to be released.

Jury Instructions-instructions that are given by the trial judge that specifically state what the defendant can be found guilty of and what the prosecution or plaintiff has to prove in order for a guilty verdict.

Jury Selection-attorneys for both prosecution (plaintiff if civil) are allowed to strike a specific number of jurors without justification. This is referred to as *Voir dire*.

Juvenile Court-The district court has exclusive, original jurisdiction over all juvenile cases. All records of juvenile proceedings are confidential. These cases concern children under the age of age of eighteen who are “undisciplined,” “abused,” “neglected”

Magistrates’ Court-Magistrates hold court in both civil and criminal matters as officers of the district court under the supervisory authority of the chief district court judge. They generally are assigned by the chief district court judge to preside over “small claims” court. For criminal matters, magistrates conduct certain preliminary proceedings and are authorized to dispose of some cases by pleas of guilty or by trial.

N. C. Court of Appeals- The Court of Appeals is an intermediate appellate court that was created to relieve the Supreme Court of a portion of its heavy caseload. It has fifteen judges, who sit in panels of three to hear cases. One of the judges is the Chief Judge of the Court of Appeals, appointed by the Chief Justice of the Supreme Court. Like the Supreme Court, decides only questions of law

N. C. District Court- District Court divisions are the trial court divisions that hold trials to determine the facts of cases

N. C. Superior Court- the Superior and District Court divisions are the trial court divisions that hold trials to determine the facts of cases. The superior court division consists of the superior court, which is the court with general trial jurisdiction. This court “sits” (holds court) at least twice a year in each county of the state. In the busiest counties, several sessions may be held concurrently each week. Court has exclusive jurisdiction over all felonies.

N. C. Supreme Court- The Supreme Court is the state’s highest court. This court has a Chief Justice and six associate justices, who sit as a body and decide cases appealed from lower courts, including from the Court of Appeals. The Supreme Court has no jury, and it makes no determinations of fact; rather, it considers only questions of law, which means resolving a party’s claim that there were errors in legal procedures or in judicial interpretation of the law in the trial court or the Court of Appeals.

Opening Statement- The opening statement at the beginning of the trial is limited to outlining facts. This is each party's opportunity to set the basic scene for the jurors, introduce them to the core dispute(s) in the case, and provide a general road map of how the trial is expected to unfold

Pleadings- General term used to refer to papers requesting something or responding to a request that are filed in the case, including the complaint and answer

Summons- Issued by the Clerk of Court usually at the time of filing the complaint, and is the official notice of the lawsuits

Testimony-A declaration by a witness under oath, as that given before a court or deliberative body.

U. S. Court of Appeals-the court of appeals have appellate jurisdiction over the district courts, certain specialized federal courts and many Federal agencies. These courts do not accept any new evidence or call witnesses. They review the trial transcripts, legal briefs and oral arguments from attorneys. There are (13) Federal Courts of Appeal. (12) of these are Circuit Courts and each is assigned a geographic area of the U. S. The thirteenth court is assigned to the federal circuit and handles appealed patent cases from district court and appeals from courts with special jurisdictions.

U. S. Supreme Court-has both original and appellate jurisdiction. The most important function of the court to exercise its appellate jurisdiction over cases from lower courts.

Voir dire-is a French term which means “to speak the truth.” The goals of voir dire are exactly that: 1) to get potential jurors speaking about themselves, their beliefs, biases and opinions; and 2) to elicit truthful and complete answers from the potential jurors