**USEFUL TRIAL VOCABULARY**

**Bailiff –** An officer who is in charge of maintaining order in a court of law.

**Beyond a Reasonable Doubt** – the burden of proof in a criminal case required to establish the guilt of a person charged with a crime.

**Closing Arguments –** final statements by an attorney to jury, summarizing the evidence, and arguing what the evidence has or has not established.

**Convict -** To prove that someone is guilty as a matter of law.

**Cross-examine –** To question a witness called by the opposing side, or a hostile or other adversarial witness called by a party.

**Defendant –** A person against whom a criminal charge or civil claim is brought in a court of law.

**Evidence –** Something that gives proof of a contested fact.

**Foreman/Foreperson** –presiding member of a jury who speaks or answers for the jury.

**Hostile Witness** a witness who is antagonistic to the party calling them and, being unwilling to tell the truth, may have to be cross-examined by the party.

**Indictment** – A serious charge of criminal wrongdoing which must later be proved at trial beyond a reasonable doubt before a defendant may be convicted.

**Jury** - A certain number of persons selected according to law and sworn in to inquire into matters of fact and declare the truth about matters of fact before them.

**Negligence** – Acting in a way that fails to conform with a standard of conduct, putting others at risk

**Negligent Homicide** – A criminal offense that is committed by a person whose negligence is the direct cause of another person’s death.

**Objection –** A lawyer’s protest about the legal propriety of a question which has been asked of a witness by the opposing attorney, with the purpose of making the trial judge decide if the question can be asked. Following are the grounds for objections:

**Misleading**- an objection based on the grounds that the question was vague, confusing

**Argumentative/badgering**- a lawyer is not permitted to repeatedly ask the same question of a witness, nor directly dispute what the witness says in the manner of an argument.

**Asked and Answered**-once a question has been asked and answered, it is generally not allowed for that question to be asked again.

**Speculation**- a question that it is not based in fact. Speculation arises when a witness is asked to answer a question to which he or she does not know the immediate, factual answer,

**Hearsay**- a type of evidence which is related secondhand, from questions asked or answers given outside of the court

**Inflammatory**-a question which is designed to produce a reaction within the jury, particularly in terms of inflaming the jury against a witness or the defendant.

**Irrelevant –** Not important, pertinent to the matter at hand or to any issue before the court.

**Leading Questions**- questions which are designed to suggest an answer within the question. Leading questions are often yes or no questions, though not all yes or no questions could be accused of leading the witness.

**Privilege**- objections based on the notion that a witness does not have to give testimony or evidence in certain areas if that witness holds privilege spouse, doctor, attorney)

**Opening Statement –** Summary of nature of case and of anticipated proof presented by counsel to jury at the start of a trial.

**Overruled** –for a Judge to disagree that an attorney’s objection, as to a question, is valid.

**Plaintiff –**in the case of a criminal case, the State or Federal government.

**Prosecuting Attorney/Prosecution –** the public officer who is appointed or elected in each judicial district, circuit, or county, to conduct criminal prosecutions on behalf of the State or people.

**Reporter (Court) –** Someone in charge of making a record of all court proceedings.

**Rests –**  attorneys representing either side of the case are finished with their witnesses.

**Rebuttal –** Evidence introduced to counter, disprove or contradict the opposition’s evidence or a presumption, or responsive legal argument.

**Speculation** – Just guessing about a particular situation. (Can be used as a reason to object).

**Sustain** – In trial practice, for a judge to agree that an attorney’s objection, as to a question, is valid