

Glossary of Legal Terms

Term	Definition
Acquittal	A finding of not guilty on a charge or charging document.
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
Appeal	After a conviction and sentence, Defendant has right to file a direct appeal to the Appellate Court of Maryland to challenge any legal error that occurred during the proceedings in the Circuit Court. State has limited right to appeal evidentiary rulings that happen before trial but cannot appeal from a verdict.
Appellate Court of Maryland	Maryland's first-level intermediate appellate court.
Application for Leave to Appeal	When a party is aggrieved by a ruling in the Circuit Court but has no direct right to appeal, the party must file an application for leave to appeal to seek permission from the Appellate Court of Maryland to appeal the ruling.
Arraignment	Proceeding where Defendant is informed of the charges against him or her, enters a plea of guilty or not guilty, and a trial date is set. Typically it is first appearance of the Defendant before the Circuit Court.
Bail Review	Reviewing a person's pre-trial detention status to determine whether there exists a combination of factors to ensure their presence at trial and to ensure the person is not a threat to the public or any specific individual.
Bench Warrant	A warrant issued by a judge for the arrest of a defendant who failed to appear in court as required.
Bill of Particulars	A formal, detailed statement of the charges brought by a prosecutor usually in response to a defendant's request. It is to give the defendant notice of the essential facts supporting the crimes alleged in the indictment or information, and to avoid prejudicial surprise to the defense at trial.
Body Attachment (Material Witness Warrant)	A written order issued by a court directing a sheriff or police officer to take custody of and bring before the court a witness who fails to comply with a subpoena who is a material witness to a case.

Concurrent Sentence	A sentence that is served at the same time as another sentence.
Consecutive Sentence	A sentence that is served after the completion of another sentence.
Criminal Information (CI)	The formal written accusation of a crime, made by the State's Attorney and presented to a court for a determination of probable cause to move forward with the prosecution against the accused person. It is to inform the defendant of the charges against him or her in order that he or she may prepare their defense and may also protect themselves against a subsequent prosecution for the same offense.
De Novo Appeal	An appeal from a district court to a circuit court for a new trial at which time new evidence may be presented and new determinations of guilt are made.
Discovery	Procedures used to obtain the disclosure of evidence to both sides before trial.
Disposition	The sentencing after a guilty verdict. It is often scheduled 60-90 days after trial.
Double Jeopardy	Placing a defendant in jeopardy of being tried more than once for the same offense or sentenced more than one time for the same offense. This is prohibited by the U.S. and Maryland Constitutions.
Expungement	The effective removal of police and/or court record from public inspection.
Extradition	The surrender by one state to another state of an individual accused or convicted of an offense outside its own territory.
Felony	The classification of the most serious offenses that have the greatest level of potential incarceration associated with them.
Grand Jury	23 Baltimore citizens plus alternates that hold the dual function of determining whether there exists probable cause to believe that a crime has been committed and that the defendant has committed it. It is also empowered to conduct investigations, issue subpoenas and receive testimony when conducting an investigation. It holds the power to issue Indictments against individuals when probable cause exists that they committed a crime. They serve for 4 months and sit every day in Baltimore City and their proceedings remain secret.
Habeas Corpus	A person who is detained uses this writ to be produced before a court to challenge the legality of their detention. It is also the first level of

	appeal that occurs in the Circuit Court from a District Court's bail review determination.
Hearsay	Out of court statements by witnesses. These are typically excluded from evidence during trial unless there is a special exception for admission of the statement.
Hicks Date	A date created by Maryland Rule 4-271 which provides that a defendant must be tried within 180 days of either (a) the defendant's first appearance in the Circuit Court or (b) when their counsel entered the appearance in the case. The Court must find good cause to schedule a trial date beyond the 180 days.
Home Detention	Pretrial detention status where, instead of remaining in Central Booking, a defendant awaiting trial stays in their home, and can include 24-hour satellite tracking and/or home detention ankle bracelet.
Hung Jury	A jury that is unable to reach a unanimous verdict. A hung jury usually results in the case being retried.
Indictment	The formal written accusation of a crime, made by a grand jury based on a finding of probable cause and presented to a court for prosecution against the accused person. It is to inform the defendant of the charges against him or her in order that he or she may prepare their defense and may also protect themselves against a subsequent prosecution for the same offense.
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.
Jury Trial Prayed (JTP)	A case that originated as a District Court case but the Defendant elected to have it moved to Circuit Court by asking for a Jury Trial. If the maximum penalty for any offense charged is more than 90 days, the defendant can make this election.
Juvenile Restoration Act (JRA)	For those convicted of crimes committed when they were children, the Juvenile Restoration Act provides an opportunity to request a sentence reduction, even if the original Motion for Modification of Sentence was denied. Once a defendant files in the Circuit Court where he/she was sentenced, he/she is entitled to a hearing, so

	long as the defendant was under 18 at the time of the crime and has served at least 20 years.
Misdemeanor	A class of offenses which are typically less serious in nature and have less incarceration associated with them.
Mistrial	A mistrial occurs when (1) a jury is unable to reach a verdict (hung jury) or (2) a serious procedural error results in the judge dismissing the jury without a decision. A mistrial usually results in the case being retried.
Motion for Judgment of Acquittal (MJOA)	A defense motion made at the close of the State's case and/or at the close of all of the evidence during a trial challenging the sufficiency of the evidence produced for any reasonable juror to find guilt beyond a reasonable doubt. The granting on a charge or charges acts as a not guilty on those charges, a denial of the motion permits the case to be submitted to the jury for deliberation as to the guilt of the defendant.
Motion In Limine	A preliminary motion for the court to rule on a contested point of fact or law prior to trial to save time during the trial or prevent prejudice to any party to the proceedings.
Motion for Modification of Sentence	A motion filed by the Defendant within 90 days of sentencing to modify the sentence imposed in the case. A court has five years to rule on this motion and can deny it or grant it and reduce the sentence. A court may not increase the sentence under this type of motion.
Motion for a New Trial	A motion by the defense filed after a verdict of guilty asking the court for a new trial based on a constitutional, procedural, evidentiary or other alleged infirmity that occurred during the trial. Usually heard before sentencing.
Motion to Dismiss	A motion to dismiss the charging document. It can be made for several reasons like the denial of a speedy trial, violation of the Hicks Rule, the court lacking subject matter jurisdiction, a violation of double jeopardy principles or prosecutorial misconduct.
Motion to Reopen Post Conviction	A motion to reopen a previously closed post conviction. The court may reopen the post conviction proceedings in the interests of justice but there is no automatic right to a hearing. A court may deny the motion without a hearing.
Motion to Suppress Evidence	A motion filed based on constitutional grounds that evidence must be suppressed from use at trial by the prosecution. Examples are a motion to exclude evidence because of an illegal search or a motion to

	exclude a statement because it was not voluntary under constitutional precedent.
Not Criminally Responsible (NCR)	A plea where a defendant alleges that when the crime was committed, the defendant was not criminally responsible by reason of insanity. The trier of fact must determine whether the defendant committed the criminal act and that the defendant was, at the time, criminally responsible or not criminally responsible by reason of insanity.
Nolle Prosequi	A dismissal of a charge or charges against a defendant. A prosecutor may enter a nolle prosequi to individual counts or the entire case.
Nolo Contendere	A plea in a criminal case having the same legal effect as a guilty plea where the defendant agrees there is sufficient evidence to convict if the case went to trial but does not admit their guilt.
Not Competent to Stand Trial	A determination by the court that a defendant, due to his or her current mental condition is unable to understand the nature of the proceedings against them or is unable to assist in their defense. If found not competent, a trial judge can commit the person to an appropriate medical facility or, if they are not dangerous to themselves or others, release them on bail or their own recognizance.
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.
Petition for Writ of Actual Innocence	A post trial motion filed by someone convicted of a crime where it is alleged that there exists newly discovered evidence that creates a substantial possibility that the result of the trial would have had a different outcome if the evidence had been discovered and introduced during the trial.
Petition for Writ of Certiorari	There is typically no right to appeal directly to the highest court of Maryland in a criminal case. If a defendant or the State seeks review in the Supreme Court of Maryland, the party must file a petition for writ of certiorari. The Supreme Court grants certiorari in cases that are necessary and in the public interest.
Post Conviction	A collateral attack on a conviction having nothing to do with guilt or innocence. It is a mechanism to ensure a defendant was afforded all of the constitutional rights they were entitled to in the criminal process. It is typically filed after an unsuccessful appeal. A defendant who is actively serving a sentence or is on parole or probation is

	eligible to file a petition for post-conviction relief. The most common claims are the denial of the right to effective assistance of counsel and the denial of due process. A defendant is typically trying to secure the right to a new trial. A defendant has ten years to file for post-conviction relief after imposition of sentence and is entitled to a hearing.
Preliminary Hearing	A hearing held by the court to determine whether there exists probable cause to believe that a crime has been committed and that the defendant has committed it. If a case is taken before the Grand Jury to secure an Indictment prior to the preliminary hearing date, the preliminary hearing will be cancelled.
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.
Probable Cause	A non-technical conception of a reasonable ground for belief of guilt, requiring less evidence for such belief than would justify a conviction, but more evidence than that which would arouse mere suspicion. Probable cause exists when the facts and circumstances within the knowledge of the arresting officer are sufficient to warrant a reasonably cautious person in believing that a crime had been committed by the person arrested.
Probation	A means of conditionally releasing a defendant after conviction that entitles the defendant to remain free as long as he or she complies with all of the conditions of the probation.
Probation Before Judgment	A conditional avoidance of imposition of a sentence and final conviction after a plea or trial; failure to satisfy the terms and conditions may cause imposition of sentence after a finding of violation of probation and a conviction to be entered.
Release on Own Recognizance (ROR)	When a person is released on a pledge to appear in court to answer the charges against him or her at a later date.
Restitution	The restoration of something lost or stolen to the property owner or the recompense for injury or loss that the defendant caused someone.
Sentencing	When the court imposes a sentence pursuant to a guilty plea or guilty finding by a jury.

Speedy Trial	The right provided both the U.S. and Maryland Constitutions that a defendant will be brought to trial without any unreasonable and unfairly prejudicial delay.
Split Sentence	A sentence imposing imprisonment with a portion to be served and a portion to be suspended in favor of a probationary term.
Stet	The placing of a case on the inactive docket of the court with the consent of the defendant. If the defendant agrees to a stet, they must waive any claim of a speedy trial claim if the case is re-opened. It will remain on the inactive docket for three years. During the first year, any party can reopen the case for any reason. On years two and three, a court must make a finding of good cause to remove the case from the inactive docket.
Sub Curia	When a court holds a motion or other legal decision under consideration.
Supreme Court of Maryland	Maryland's highest court.
Suspended Sentence	When execution of a portion of the defendant's sentence is suspended in favor of a probationary term. If the defendant violates the probation, he or she can be sentenced to the balance of whatever portion of the sentence is suspended.
Transfer (Reverse-Waiver) Hearing	A hearing held to determine whether a person under the age of 18 years old who was charged as an adult should be transferred to the jurisdiction of the juvenile court for trial and sentencing of the charges before the juvenile court.
Victim Impact Statement	A statement made by a victim or victim's representative that with respect to the crime or the offender identifies the victim, itemizes any economic loss suffered, identifies physical injuries, describes any change in victim's personal welfare or familial relationships, describes any psychological services that became necessary, and contains any other relevant information pertinent to sentencing and final disposition of a criminal case.
Violation of Probation (VOP)	A proceeding where the court makes a determination whether a defendant has violated any of the terms of their probation and, if so, determines whether to impose any suspended portion of their sentence to serve in prison.
Voir Dire	The preliminary examination of potential jurors where any cause for disqualification may be discovered before the parties select the jury to hear the case.

Waiver Hearing	A hearing held to determine whether a person under the age of 18 years old who was charged as a juvenile should be waived up to the jurisdiction of the adult court for trial and sentencing of the charges before the adult court.
Writ of Actual Innocence	A post-trial motion filed by someone convicted of a crime where it is alleged that there exists newly discovered evidence that creates a substantial possibility that the result of the trial would have had a different outcome if the evidence had been discovered and introduced during the trial.

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