

Court Watch NOLA Glossary of Terms

28-Day Progress Report (Status Conference; 2 nd Appearance)	Status hearings scheduled 28 days following the First Appearance to see whether the DA has decided to formally charge the defendant with the offense(s) for which s/he was arrested.
330.3 Hearing (Gwen's Law Hearing)	A hearing held prior to the setting of bail for a person charged with domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's family member. The Magistrate shall determine the conditions of bail or whether the defendant should be held without bail pending trial.
701 Release	Refers to the amount of time the District Attorney has to accept or refuse the charges for which the defendant was arrested. If the DA delays the charging decision beyond the statutory limits, then the Magistrate may release the defendant from custody.
Accepted	The District Attorney determines whether to formally "accept" the criminal charges alleged against the defendant by the arresting officers.
ADA (Assistant District Attorney)	An Assistant District Attorney represents the interests of the people of Louisiana. The elected DA, in conjunction with the ADAs, determines whether a court case should be filed and has the burden of proving the allegations.
Affidavit	Sworn declaration of facts in writing. Law enforcement witnesses are required to include an affidavit with each application for arrest and search warrants.
Alias Capias (Capias; Bench Warrant)	Writ requiring law enforcement officers to take a named defendant into custody. Often issued for a defendant's failure to appear on his or her scheduled court date.
Alternatives to Incarceration (ATI)	A program which, upon successful completion, may remove the criminal charge(s) from the defendant's criminal record. This includes substance abuse, mental health, or domestic abuse assistance.
Arraignment	Formal reading of a criminal charging document in the presence of the defendant to inform the defendant of the charges against him or her. This term is used for both First Appearance in Magistrate Court and the formal charging by the District Attorney in Criminal District Court.
Bail	Cash or a piece of property that has cash value paid in return for a defendant's promise to appear for scheduled court appearances. Used interchangeably in Orleans Parish with "Bond."
Bail Bond (Bond)	The payment of a percentage of a defendant's full bail amount to a bondsman or surety, who in turn, guarantees to the Court that the defendant will appear for scheduled court appearances. If the defendant is incarcerated when bail bond is posted, the defendant is then released.
Bench Trial	A trial adjudicated by a judge. A defendant accused of a felony has the right to choose either a bench trial or a jury trial.
Bench Warrant	See "Alias Capias."
Bill of Information	A document filed into the court record by the District Attorney's Office, stating the decision to formally charge the defendant with an offense for which s/he was arrested. An alternative to "Indictment."

Court Watch NOLA Glossary of Terms

Bond	See “Bail Bond.”
Bond Review Hearing	A request by the defendant for the Court to modify his or her bond or release conditions.
<i>Boykin</i> Form (Boykinizing)	The Court must advise a defendant entering a guilty plea of the constitutional and other rights s/he is waiving by pleading guilty.
<i>Brady</i> Material	Exculpatory information that the State must provide to the defense during the discovery phase.
Burden of Proof	A party’s duty to prove a disputed assertion or charge. In criminal cases, the State must prove the elements of the crimes charged beyond a reasonable doubt.
Charge (Offense; Count; Crime)	The illegal act(s) which the defendant is accused of performing.
CLU (Central Lock-Up)	Operated by the Orleans Parish Sheriff’s Office, defendants are brought to CLU for booking after they have been arrested and before they are assigned a housing unit. After being booked, defendants speak with New Orleans Pre-Trial Services in CLU.
Commissioner	An official appointed by the 12 Criminal District Court Judges and Magistrate Judge of the Orleans Parish Criminal District Court and authorized to, among other responsibilities, set bail amounts and conditions, detain, or release criminal defendants.
Confidential Conversations	A criminal defendant, whether incarcerated or not, has a constitutional right to confidential, non-recorded conversations with his or her attorney under the Sixth Amendment of the United States Constitution.
Continuance	Postponement of a scheduled hearing or trial until a later date.
Court Reporter	A stenographer who records all statements on the record.
Delay	Amount of downtime in between cases that are on the court docket. The judge may or may not be sitting on the bench during delays. Do not confuse delays with “sidebars,” which are conversations that occur while a case is being discussed.
Discovery	Process whereby the State and defense exchange information in preparation for trial.
DOC (Department of Corrections)	If a defendant is incarcerated somewhere other than in the Orleans Justice Center, the Louisiana Department of Corrections is sometimes responsible for transporting the inmate for court appearances.
Docket	A calendar of scheduled court proceedings for each day. Court watchers may obtain daily dockets for their assigned District Court observation from the District Court Clerk of Court’s Office (Room 210). Magistrate Court dockets may be obtained from the Magistrate Court Clerk of Court’s Office (Room 104) for the weekday morning and afternoon court sessions, and from the Minute Clerk in the Magistrate Courtroom for evening, weekend, and holiday court sessions.
Docket Master	Operated by the Orleans Parish Sheriff’s Office, a summary of court proceedings for every action taken on a case is available online here .
Electronic Monitoring	This is an electronic device, usually secured around a defendant’s ankle, which signals the defendant’s whereabouts. Electronic monitoring of house arrest may be used as a sentence in lieu of incarcerating defendants.

Court Watch NOLA Glossary of Terms

<i>Ex Parte</i> Communication (1-Sided Sidebar)	Communication between the Court and one party when the opposing party is not present. This practice is contrary to rules of ethics governing judges and attorneys in Louisiana.
Expungement	A court-ordered process through which the legal record of an arrest or a criminal conviction is “sealed” or erased in the eyes of the law. When a conviction is expunged, the process may also be referred to as “setting aside a criminal conviction.” A Magistrate or Commissioner may rule on Expungement Motions.
Felony	A crime punishable by over six months “at hard labor” or a death sentence. A defendant charged with a felony has a right to an attorney and a trial by jury, though he can choose a bench trial instead.
First Appearance Sheet	A document available from the Magistrate Clerk of Court’s Office which lists all defendants who are scheduled to appear before the Magistrate to set bail, release, or hold the defendant.
Grand Jury	A body of people that decides whether the evidence is strong enough to charge a defendant with a specific crime.
Gunshot Residue (GSR)	Law enforcement investigators test the clothing and skin of individuals for GSR to determine if they were near a firearm when it discharged.
<i>Habeas Corpus Ad Prosequendum</i>	A writ requiring a custodial entity to bring a person to court to be prosecuted. Often used by the State to require a defendant who is in federal custody or the custody of another state or parish to be brought to court.
Habitual Offender (Multiple Bill)	See “Multiple Bill.”
Held (Incarcerated; In Custody; Detain; Remand)	These terms are used interchangeably to refer to a defendant who is in the custody of law enforcement.
Hold [<i>noun</i>]	Conditions which hold a defendant in jail. There are many types of holds, such as parole, probation, fugitive, immigration, extradition, or out-of-state warrant.
Hung Jury	When the statutory minimum number of jurors required to reach a legal verdict cannot agree on any one verdict, the case will be retried.
Ignition Lock	When a defendant is charged with “Driving while Impaired” or “Driving under the Influence,” a Judge or Commissioner may require that the defendant blow into a device called an ignition lock prior to each time s/he drives the vehicle. The device will only allow the defendant to operate the motor vehicle if the defendant’s blood alcohol level is within legal limits.
<i>In Camera</i>	When a judge chooses to review disputed evidence in private and off the record. <i>In camera</i> review may be used to determine whether the evidence should be introduced at trial, for example.
Indictment	A document returned by a Grand Jury, <i>a.k.a.</i> a “True Bill,” with the decision to formally charge the defendant with the crime(s) for which s/he was arrested. Alternative to “Bill of Information.”
Indigent	Describes a defendant without the means to afford a private attorney, and who is therefore eligible to be represented by a public defender.
Jury	In Louisiana, a jury of 12 must be seated for any 1st class case (one in which the death penalty is a possibility), and all 12 must concur to return

Court Watch NOLA Glossary of Terms

	a valid verdict. A jury of 12 is also seated for any 2nd class case (one in which hard labor is mandatory if the defendant is convicted), but only 10 of the 12 must agree to render a valid verdict. A six-person jury will be chosen for all 3rd class cases (a felony for which a sentence of hard labor is optional), and all six must agree to return a valid verdict. A 4th class case is a misdemeanor.
Juvenile	In Louisiana, 17 year olds are currently tried as adults, and 14-16 year olds may be tried as adults for certain violent crimes.
Magistrate Judge	An elected official authorized to preside over the trials of certain state misdemeanors and to conduct preliminary examinations of defendants charged with felonies.
Mental Competency Hearing	A hearing at which the Court determines with the help of medical expert testimony whether the defendant is able to understand the charges against him and assist in his defense.
Misdemeanor	A crime punishable by up to six months in prison. Defendants charged solely with misdemeanors are tried by a judge in a bench trial, not by a jury.
Mistrial	A trial which is invalid due to an error of procedure, law, or fact.
Motion	A request by a party for court action on a matter. The phrase “these motions did lie...” means that the referenced motions have been filed or raised with the Court and will be ruled upon.
Multiple Bill	A formal charge asking that the Court enhance a sentence against a “habitual offender” defendant with certain previous felony convictions. Similar to many other states’ “three strikes and you’re out” laws targeting career criminals.
New Orleans Pre-trial Services (Pretrial Report; Vera Institute of Justice)	After being booked in the Orleans Justice Center, defendants speak with New Orleans Pre-Trial Services (NOPTS), which is operated by the Vera Institute of Justice. For each defendant, NOPTS prepares a pre-trial report which assigns a risk score of how likely the defendant is to return to a scheduled court date and whether s/he poses a danger to society if s/he is released without bond.
<i>Nolle Prosequi</i> (Nolle Pros)	The State’s abandonment or discontinuance of a case. The Court cannot deny this motion. The State may reinstitute the same charges and prosecute the case in certain circumstances.
<i>Nolo Contendere</i>	The defendant pleads no contest to the charges, without admitting his guilt.
Objection	When an attorney objects, s/he is stating that s/he believes that the Court process, an attorney’s questions, or a witness’s testimony violates the rules of evidence or procedure. By “overruling” the objection, the judge is denying the objection. By “sustaining” the objection, the judge is agreeing with the objecting attorney. Testifying witnesses should pause when an objection is raised before proceeding to answer the question, in order for the judge to rule on the objection.
Orleans Justice Center (OPP)	Orleans Parish Prison. Run by the Orleans Parish Sheriff Office (OPSO), this is where defendants who are not eligible for or cannot meet the requirements for pre-trial release are incarcerated while awaiting trial.

Court Watch NOLA Glossary of Terms

	While the OPSO now uses the “Orleans Justice Center,” OPSO’s new jail facility is still often called OPP.
Orleans Public Defenders (OPD)	Public attorneys appointed by the Court to represent indigent defendants, in accordance with the Sixth Amendment of the United States Constitution.
Plea Bargain	An agreement between the State and the defendant related to the defendant’s charging and/or sentencing on condition of the defendant’s guilty plea. The judge has the right to alter or deny any agreed-upon sentence, however.
Preliminary Hearing (Probable Cause Hearing; Preliminary Examination)	A hearing to determine whether the police had sufficient probable cause to arrest the defendant for the crime(s) charged. If the Magistrate or Commissioner finds no probable cause, the defendant should be released from any bond obligation, but the DA may continue to prosecute the case.
Pretrial Conference (Status Conference)	Meeting between the judge, State, and defendant to establish the boundaries of trial or attempt to conclude a case without trial.
Pretrial Report	See “New Orleans Pre-trial Services.”
Pretrial Suppression Hearing (Motions <i>in Limine</i>)	A pretrial hearing on a Motion to Suppress (<i>i.e.</i> exclude) evidence from trial, such as physical evidence or a verbal statement by the defendant.
<i>Prieur</i> Motion	The State’s request that the Court allow evidence of the defendant’s prior crimes to be admitted at trial. While the State is ordinarily barred from introducing this potentially prejudicial information (though if the defendant takes the stand, he may be cross-examined regarding his criminal record), the Court may allow it if the State can establish that there is a pattern, signature, or <i>modus operandi</i> to the defendant’s crimes.
Probable Cause (PC)	Facts that would lead a reasonable person to believe that the defendant has committed a crime.
Program Updates	When a defendant has been ordered by a Magistrate to attend a program such as substance abuse, mental health, or domestic abuse assistance, these hearings check on the status of the defendant’s performance in the program.
PWIT	Possession with intent to distribute a controlled substance.
Quash	Motion to make void. For instance, the defendant may move that the Court dismiss a case in which the statute of limitations or right to a speedy trial time limit has passed.
Recusal	The removal of a judge or attorney due to actual bias or the appearance of impropriety, which is contrary to rules of ethics.
Release on Own Recognizance (ROR)	A pre-trial release of a defendant with no bond required.
Second Appearance	See “28-Day Progress Report.”

Court Watch NOLA Glossary of Terms

Sentencing	The trial judge will sentence individuals found guilty of or who pled guilty to a crime to fines, probation (active or inactive), prison, etc.
Sidebar	A meeting of the attorneys and judge to discuss a case outside of the earshot of the jury and public, often off the record. Sidebars should always include both the prosecution and defense, or else they are considered unethical <i>ex parte</i> communication.
Stay-Away Order (Protective Order)	An order forbidding the defendant from contacting the victim. Often used in domestic violence cases, such as 330.3 Gwen's Law Hearings.
Subpoena or Subpoena <i>duces tecum</i>	An order of the Court to a third party to either appear before the Court or to supply documents to the Court or to one of the parties (subpoena <i>duces tecum</i>).
Vera (Institute of Justice)	See "New Orleans Pre-trial Services."
Victim Impact Statement	A statement read into the record during sentencing to inform the judge or jury of the financial, physical, and psychological impact of the crime on the victim and victim's family.
<i>Voir Dire</i>	The process by which attorneys and the Court interview and select juries for trial.
Writ	An order from the Court to a third party. Often used as shorthand when 1) a party is appealing a court ruling to a higher court; or 2) when a party would like an incarcerated defendant to be transported to a court appearance by either the Orleans Parish Sheriff's Office or the Louisiana Department of Corrections. This is called a writ of <i>habeas corpus ad prosequendum</i> .