

Legal Terms

ABSTRACT OF TITLE - A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.

ACCEPTANCE - The taking and receiving of anything in good faith with the intention of retaining it.

ACCOMPLICE - 1. A partner in a crime. 2. A person who knowingly and voluntarily participates with another in a criminal activity.

ACCRETION - The increase or accumulation of land by natural causes, as out of a lake or river.

ACKNOWLEDGMENT - A formal declaration before an authorized official by the person who executed an instrument that it is his free act and deed; the certificate of the official on such instrument attesting that it was so acknowledged.

ACQUITTAL - A release, absolution, or discharge of an obligation or liability. In criminal law the finding of not guilty.

ACTION -Lawsuit; the legal demand for one's right asserted in court.

ACTION CASE - Cause, suit, or controversy disputed or contested before a court of justice.

ADDITUR - An increase by a judge in the amount of damages awarded by a jury.

ADJECTIVE LAW - Also, procedural law. That body of law which governs the process of protecting the rights under substantive law.

ADJUDICATION - Giving or pronouncing a judgment or decree. Also the judgment given.

ADMINISTRATIVE AGENCIES - Agencies created by the legislative branch of government to administer laws pertaining to specific areas such as taxes, transportation, and labor.

ADMINISTRATOR - 1. One who administers the estate of a person who dies without a will. 2. A court official.

ADMIRALTY LAW - Also, maritime law. That body of law relating to ships, shipping, marine commerce and navigation, transportation of persons or property by sea, etc.

ADMISSIBLE EVIDENCE - Evidence that can be legally and properly introduced in a civil or criminal trial.

ADMONISH - To advise or caution. For example the court may caution or admonish counsel for wrong practices.

ADVANCE SHEETS - Paperback pamphlets published by law book publishers weekly or monthly which contain reporter cases, including correct volume number and page number. When there are sufficient cases, they are replaced by a bound volume.

ADVERSARY PROCEEDING - One having opposing parties such as a plaintiff and a defendant. Individual lawsuit(s) brought within a bankruptcy proceeding.

ADVERSARY SYSTEM - The system of trial practice in the U.S. and some other countries in which each of the opposing or adversary parties has full opportunity to present and establish its opposing contentions before the Court.

ADVERSE POSSESSION - Method of acquiring real property under certain conditions by possession for a statutory period.

AFFIANT - The person who makes and subscribes an affidavit.

AFFIDAVIT - A voluntary, written, or printed declaration of facts, confirmed by oath of the party making it before a person with authority to administer the oath.

AFFIRMATION - A solemn and formal declaration that an affidavit is true. This is substituted for an oath in certain cases.

AFFIRMATIVE DEFENSE - A defense raised in a responsive pleading (answer) relating a new matter as a defense to the complaint; affirmative defenses might include contributory negligence or estopped in civil actions; in criminal cases insanity, duress, or self-defense might be used.

AFFIRMED - In the practice of appellate courts, the word means that the decision of the trial court is correct.

AGREEMENT - Mutual consent.

AID AND ABET - To actively, knowingly, or intentionally assist another person in the commission or attempted commission of a crime.

ALIEN - A foreign-born person who has not qualified as a citizen of the country.

ALLEGATION - A statement of the issues in a written document (a pleading) which a person is prepared to prove in court.

ALTERATION - Changing or making different.

ALTERNATIVE DISPUTE RESOLUTION (ADR) - Settling a dispute without a full, formal trial. Methods include mediation, conciliation, arbitration, and settlement, among others.

AMERICAN BAR ASSOCIATION (ABA) - A national association of lawyers whose primary purpose is improvement of lawyers and the administration of justice.

AMERICAN LAW REPORTS - A publication which reports cases from all United States jurisdictions by subject matter.

ANCILLARY - A proceeding which is auxiliary or subordinate to another proceeding. In probate, a proceeding in a state where a decedent owned property but was not domiciled.

ANNOTATIONS - Remarks, notes, case summaries, or commentaries following statutes which describe interpretations of the statute.

ANSWER - A formal, written statement by the defendant in a lawsuit which answers each allegation contained in the complaint.

ANSWERS TO INTERROGATORIES - A formal written statement by a party to a lawsuit which answers each question or interrogatory propounded by the other party. These answers must be acknowledged before a notary public or other person authorized to take acknowledgments.

ANTITRUST ACTS - Federal and state statutes to protect trade and commerce from unlawful restraints, price discriminations, price fixing, and monopolies.

APPEAL - A proceeding brought to a higher court to review a lower court decision.

APPEAL BOND - A guaranty by the appealing party insuring that court costs will be paid.

APPEARANCE - The act of coming into court as a party to a suit either in person or through an attorney.

APPENDIX - Supplementary materials added to the end of a document.

APPELLANT - The party appealing a decision or judgement to a higher Court.

APPELLATE COURT - A court having jurisdiction to hear appeals and review a trial court's procedure.

APPELLEE - (See respondent) The party against whom an appeal is taken.

ARBITRATION - The hearing of a dispute by an impartial third person or persons (chosen by the parties), whose award the parties agree to accept.

ARBITRATOR - A private, disinterested person chosen by the parties in arbitration to hear evidence concerning the dispute and to make an award based on the evidence.

ARRAIGNMENT - The hearing at which the accused is brought before the court to plead to the criminal charge in the indictment. He may plead "guilty," "not guilty," or where permitted "nolo contendere." (See preliminary hearing.)

ARREST - To take into custody by legal authority.

ASSAULT - Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force that would give the victim reason to fear or expect immediate bodily harm.

ASSIGNMENT - The transfer to another person of any property, real or personal.

ASSUMPTION OF RISK - A doctrine under which a person may not recover for an injury received when he has voluntarily exposed himself to a known danger.

AT ISSUE - The time in a lawsuit when the complaining party has stated their claim and the other side has responded with a denial and the matter is ready to be tried.

ATTACHMENT - Taking a person's property to satisfy a court-ordered debt.

ATTORNEY-AT-LAW - An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts.

ATTORNEY-IN-FACT - A private person (who is not necessarily a lawyer) authorized by another to act in his or her place, either for some particular purpose, as to do a specific act, or for the transaction of business in general, not of legal character. This authority is conferred by an instrument in writing, called a "letter of attorney," or more commonly "power of attorney."

ATTORNEY OF RECORD - The principal attorney in a lawsuit, who signs all formal documents relating to the suit.

BAIL - Money or other security (such as a bail bond) provided to the court to temporarily allow a person's release from jail and assure their appearance in court. "Bail" and "Bond" are often used interchangeably. (Applies mainly to state courts.)

BAIL BOND - An obligation signed by the accused to secure his or her presence at the trial. This obligation means that the accused may lose money by not properly appearing for the trial. Often referred to simply as "bond."

BAILIFF - An officer of the court responsible for keeping order and maintaining appropriate courtroom decorum and has custody of the jury.

BANKRUPTCY - Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court in getting a fresh start. Under the protection of the bankruptcy court, debtors may be released from or "discharged" from their debts, perhaps by paying a portion of each debt. Bankruptcy judges preside over these proceedings. The person with the debts is called the debtor and the people or companies to whom the debtor owes money are called creditors.

BANKRUPTCY JUDGE - The judge who determines whether a debtor is entitled to a discharge in bankruptcy.

BANKRUPTCY LAW - The area of federal law dealing with the handling of bankrupt persons or businesses.

BAR - 1. Historically, the partition separating the general public from the space occupied by the judges, lawyers, and other participants in a trial. 2. More commonly, the term means the who body of lawyers.

BAR EXAMINATION - A state examination taken by prospective lawyers in order to be admitted and licensed to practice law.

BATTERY - A beating, or wrongful physical violence. The actual threat to use force is an "assault;" the use of it is a battery, which usually includes an assault.

BENCH - The seat occupied by the judge. More broadly, the court itself.

BENCH TRIAL - (Also known as court trial.) Trial without a jury in which a judge decides the facts.

BENCH WARRANT - An order issued by a judge for the arrest of a person.

BENEFICIARY - Someone named to receive property or benefits in a will. In a trust, a person who is to receive benefits from the trust.

BEQUEATH - To give a gift to someone through a will.

BEQUESTS - Gifts made in a will.

BEST EVIDENCE - Primary evidence; the best evidence available. Evidence short of this is "secondary." That is, an original letter is "best evidence," and a photocopy is "secondary evidence."

BEYOND A REASONABLE DOUBT - The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.

BILL OF PARTICULARS - A statement of the details of the charge made against the defendant.

BIND OVER - To hold a person for trial on bond (bail) or in jail. If the judicial official conducting a hearing finds probable cause to believe the accused committed a crime, the official will bind over the accused, normally by setting bail for the accused's appearance at trial. (This is a state court procedure.)

BOND (See bail bond.) - A written agreement by which a person insures he will pay a certain sum of money if he does not perform certain duties properly.

BOUND SUPPLEMENT - A supplement to a book or books to update the service bound in permanent form.

BOOKING - The process of photographing, fingerprinting, and recording identifying data of a suspect. This process follows the arrest.

BREACH - The breaking or violating of a law, right, or duty, either by commission or omission. The failure of one part to carry out any condition of a contract.

BREACH OF CONTRACT - An unjustified failure to perform when performance is due.

BRIEF - A written argument by counsel arguing a case, which contains a summary of the facts of the case, pertinent laws, and an argument of how the law applies to the fact situation. Also called a memorandum of law.

BURDEN OF PROOF - In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a lawsuit. The responsibility of proving a point (the burden of proof). It deals with which side must establish a point or points. (See standard of proof.)

BURGLARY - The act of illegal entry with the intent to steal.

BUSINESS BANKRUPTCY - A proceeding under the Bankruptcy Code filed by a business entity.

BYLAWS - Rules or laws adopted by an association or corporation to govern its actions.

- C -

CAUSE - A suit, litigation or action--civil or criminal.

CERTIORARI - An order commanding judges or officers of a lower Court to certify the record of a case for judicial review by an appellate court.

CHANGE OF VENUE - The removal of a suit begun in one county or district to another, for trial, or from one Court to another in the same county or district.

CIRCUMSTANTIAL EVIDENCE - All evidence of indirect nature; the process of decision by which Court or jury may reason from circumstances known or proved to establish by inference the principal fact.

CIVIL CASE - A case between two parties to remedy a private wrong.

CLERK - One who keeps the records of all proceedings, exhibits and administers the oath to jurors and witnesses.

COMMON LAW - Law which derives its authority solely from usages and customs of immemorial antiquity or from the judgement and decrees of Courts.

COMPLAINANT - Synonymous with "plaintiff."

COMPLAINT - The first or initiatory pleading on the part of the complainant, or plaintiff, in a civil action.

CONTRACT - An exchange of oral or written promises between two or more parties to do or not to do a particular thing, enforceable by law.

CONVICTION - Being found guilty of a crime or misdemeanor.

CORROBORATING EVIDENCE - Additional evidence which tends to strengthen or confirm evidence already given.

COUNTERCLAIM - A claim presented by a defendant in opposition to the claim of a plaintiff.

COURT REPORTER - The one who makes a permanent record of all the Court's proceedings.

COURT TRIAL - A trial without a jury, where the judge resolves the dispute.

CROSS EXAMINATION - The questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness.

- D -

DAMAGES - Compensation recoverable in Court by one who has suffered loss, detriment or injury to his person, property or rights due to the unlawful acts or negligence of others.

DE FACTO - In fact. In reality.

DE JURE - As a result of law, as a result of official action.

DE NOVO - A new, afresh. A "trial de novo" is a retrial.

DECLARATORY JUDGMENT - One which declares the rights of the parties or expresses the opinion of the Court on a question of law, without necessarily ordering anything to be done.

DECREE - A decision or order of the Court. A final decree is one which fully and finally disposes of the litigation; and interlocutory decree is a provisional or preliminary decree which is not final.

DEFAULT - A "default" in action of law occurs when a defendant omits to plead within the time allowed or fails to appear at trial.

DEFENDANT - In a civil action, the party denying or defending itself against charges brought by a plaintiff. In a criminal action, the person indicted for an offense.

DEPOSITION - The testimony of a witness, not taken in open Court, in pursuance of authority given by statute or rule of Court to take testimony elsewhere.

DIRECT EVIDENCE - Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from circumstantial evidence, which is called indirect.

DIRECT EXAMINATION - The first interrogation of a witness by the party on whose behalf he is called.

DIRECTED VERDICT - An instruction by the judge to the jury to return a specific verdict.

DISCOVERY - A proceeding whereby one party to an action may be informed as to facts known by other parties or witnesses.

DISSENT - A term commonly used to denote the disagreement of one or more judges of a Court with the decision of the majority.

DOUBLE JEOPARDY - Common law and Constitutional prohibition against more than one prosecution for the same crime, transaction or omission.

DUE PROCESS - Law in its regular course of administration through the Courts of justice. The guarantee of due process requires that every person have the protection of a fair trial.

- E -

ENJOIN - To acquire a person, by writ of injunction from a Court of equity, to perform, or to abstain or desist from some act.

ET AL. - An abbreviation of *et alii*, meaning "and others."

EX PARTE - On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc, is said to be *ex parte* when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, and person adversely interested.

ET SEQ. - An abbreviation for *et sequentes*, or *et sequentia*, meaning "and the following."

EX POST FACTO - After the fact; an act of fact occurring after some previous act or fact, and relating thereto.

EXHIBIT - A paper, document or other article produced and exhibited to a Court during a trial or hearing.

EXPERT EVIDENCE - Testimony given in relation to some specific, technical, or professional matter by experts, i.e., persons qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject.

EXTENUATING CIRCUMSTANCES - Circumstances which render a crime less aggravated, heinous, or reprehensible than would otherwise be.

- F -

FAIR PREPONDERANCE - Evidence sufficient to create in the minds of the jurors of fact the belief that the party which bears the burden of proof has established its case.

FALSE ARREST - Any unlawful physical restraint of another person, in prison or elsewhere.

FALSE PRETENSES - Misrepresentation in order to obtain another's money or goods.

FELONY - A crime of a graver nature than a misdemeanor. Generally, an offense punishable by death or imprisonment in excess of one year.

FRAUD - An intentional perversion of truth; deceitful practice of device resorted to with intent to deprive another of some property or other right, or in some manner to do him injury.

- G -

GRAND JURY - A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear evidence and find bills of indictment in cases where they are satisfied that there is probable cause that a crime was committed and that a trial ought to be held.

- H -

HABEAS CORPUS - "You have the body." The name given a variety of writs whose object is to bring a person before a Court or judge. In most common usage, it is directed to the official or person detaining another, commanding him to produce the body of the prisoner or person detained so the Court may

determine if such a person has been denied his liberty without due process of the law.

HEARSAY - Evidence not proceeding from the personal knowledge of the witness.

HYPOTHETICAL QUESTION - A combination of facts and circumstances, assumed or proved, stated in such a form as to constitute a coherent state of facts upon which the opinion of an expert can be asked by way of evidence in a trial.

- I -

IMPEACHMENT OF WITNESS - An attack on the credibility of a witness, as by the testimony of other witnesses or evidence of prior bad conduct or criminal convictions.

INADMISSIBLE - That which, under the established rules of evidence, cannot be admitted or received.

INDETERMINATE SENTENCE - An indefinite sentence of "not less than" and "not more than" so many years, the exact term to be served being afterwards determined by parole authorities within the minimum and maximum limits set by the Court or by statute.

INDICTMENT - An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission, which by law, is a crime.

INFORMATION - An accusation of some criminal offense, in the nature of an indictment, but which is presented by a competent public officer instead of a grand jury.

INFRACTION - The breaking of a minor law; usually traffic laws in which no imprisonment may be imposed.

INJUNCTION - A mandatory or prohibitive writ issued by a Court.

INSTRUCTION - A direction given by the judge to the jury concerning the law of the case.

IRRELEVANT - Evidence not relating or applicable to the matter in issue; not supporting the issue.

ISSUE OF FACT - Arises when a fact is maintained by one party and is controverted by the other in the pleadings.

ISSUE OF LAW - Arises where evidence is undisputed and only one conclusion can be drawn there from.

- J -

JURISDICTION - The power of the Court to hear a case in question, which exists when the proper parties are present, and when the point to be decided is within the issues authorized to be handled by the particular Court.

JURY - A certain number of persons selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence laid before them.

JURY TRIAL - A trial where a group of citizens hears the evidence presented and gives its verdict.

- L -

LEADING QUESTION - One which instructs a witness how to answer or puts into his mouth words to be echoed back; one which suggests to the witness the answer desired. Prohibited on direct examination.

LIS PENDENS - A pending suit. Jurisdiction, power, or control which courts acquire over property in suit pending action and until final judgment.

- M -

MAGISTRATE - A local official who possesses whatever power is specified in the appointment or statutory grant of authority. A judicial officer who strictly limited jurisdiction and authority, often on the local level and often restricted to criminal cases.

MANDATE - A judicial command or precept proceeding from a Court or judicial officer, directing the proper officer to enforce a judgment, sentence or decree.

MANSLAUGHTER - The unlawful killing of another without malice; may be either voluntary upon a sudden impulse, or involuntary in the commission of some unlawful act.

MISDEMEANOR - Offense less than a felony; generally those punishable by fine or imprisonment for a term of one year or less.

MISTRIAL - An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, or disregard of some other fundamental requisite.

MITIGATING CIRCUMSTANCE - Such as do not constitute a justification or excuse for an offense, but which may be considered as reducing the degree of moral culpability.

MURDER - The unlawful killing of a human being by another with malice aforethought, either expressed or implied.

- N -

NEGLIGENCE - The failure to do something which a reasonable person, guided by ordinary considerations would do; or the doing of something which a reasonable and prudent person would not do.

- O -

OBJECTION - The act of taking exception to some statement or procedure in trial. Used to call the Court's attention to improper evidence or procedure.

OF COUNSEL - A phrase commonly applied to counsel employed to assist in the preparation of management of the case, or its presentation on appeal, but who is not the principal attorney of record.

OPINION EVIDENCE - Evidence of what the witness thinks, believes, or infers in regard to facts in dispute, as distinguished from his personal knowledge of the facts; not admissible except (under certain limitations) in the case of experts.

- P -

PANEL - A list of jurors to serve in a particular Court, or for the trial of a particular action - denotes either the whole body of persons summoned as jurors for a particular term of Court or those selected by the clerk by lot.

PAROLE - The conditional release from prison of a convict before the expiration of his sentence. If he observes the conditions, the parolee need not serve the remainder of his sentence.

PARTIES - The persons who are actively concerned in the prosecution or defense of a legal proceeding.

PETIT JURY - The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

PETITIONER - One who files a petition with a Court seeking action or relief. When a writ of certiorari is granted by the Supreme Court, the parties to the case are called petitioner and respondent in contrast to appellant and appellee used in an appeal.

PLAINTIFF - A person who brings a civil action; the party who complains or sues.

PLEADING - The process by which the parties in a suit or action alternately present written statements of their contentions, each responsive to that which precedes, and each serving to narrow the field of controversy until there evolves one or more points affirmed on one side and denied on the other, called the issue upon which they then go to trial.

PRELIMINARY HEARING - Synonymous with "preliminary examination"; the hearing given a person charged with a crime by a magistrate or judge to determine whether he should be held for trial. Since the Constitution states that a person cannot be accused in secret, a preliminary hearing is open to the public unless the defendant requests that it be closed. The accused person must be present at this hearing and must be accompanied by an attorney.

PREPONDERANCE OF EVIDENCE - The greater weight (in terms of quality not quantity) of evidence, or that evidence which is more believable and convincing.

PRESUMPTION OF FACT - An inference as to the truth or falsity of any proposition of fact, drawn by a process of reasoning in the absence of actual certainty of its truth or falsity, or until such certainty can be ascertained.

PRESUMPTION OF LAW - A rule of law that Courts and judges shall draw a particular inference from a particular fact, or from particular evidence.

PROBATION - A sentence of being placed under the jurisdiction of probation officers for a set time instead of going to prison.

PRO SE – One who represents oneself in a court proceeding without the assistance of a lawyer.

PROSECUTOR - A public officer whose duty is the prosecution of criminal proceedings on behalf of the people.

PUBLIC DEFENDER - Lawyers employed by the state to represent defendants accused of crimes who cannot afford to hire their own lawyer.

- R -

REASONABLE DOUBT - An accused person is entitled to acquittal if, in the minds of the jury, guilt has not been proven beyond a "reasonable doubt"; that state of mind of jurors in which they cannot say they feel an abiding conviction as to the truth of the charge.

REBUTTAL - The introduction of answering evidence; proof by one party disputing proof provided by its adversary; also, the stage of a trial when such evidence is introduced.

REDIRECT EXAMINATION - Follows cross-examination and is exercised by the party who first examined the witness.

REMAND - To send back. In the even of a decision being remanded, it is sent back by a higher Court to the Court from which it came for further action.

REPLY - When a case is tried or argued in Court, the argument of the plaintiff in answer to that of the defendant. A pleading in response to an answer.

REST - A party is said to "rest" or "rest his case" when he has presented all the evidence he intends to offer.

RESTITUTION - The restoring of goods or money to the victim of a crime by the offender.

- S -

SEARCH AND SEIZURE, UNREASONABLE - In general, an unlawful search of one's premises or of his person; a search which is unreasonably oppressive in its invasion of privacy.

SEARCH WARRANT - A written order from a justice or magistrate directing an officer to search a specific place for a specific object, issued upon a showing of probable cause.

SELF-DEFENSE - The protection of one's person or property against some injury attempted by another. The law of "self-defense" justifies an act done in the reasonable belief of immediate danger. When acting in justifiable self-defense, a person may not be punished criminally nor held responsible for civil damages.

STANDING - A person's right to bring a lawsuit because he or she is directly affected by the issue raised.

STATE'S ATTORNEY - Same as prosecutor.

STATE'S EVIDENCE - Testimony given by an accomplice or participant in a crime tending to convict others.

STATUTE - The written law in contradistinction to the unwritten law.

STAY - A stopping or arresting of a judicial proceeding by order of the Court.

STIPULATION - An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless assented to by the parties; most stipulations must be in writing.

SUBPOENA - A process to cause a witness to appear and give testimony before a Court or magistrate.

SUMMONS - A notification to the named person that an action has been commenced against him in Court and that he is required to appear, on the day named, and answer the complaint in such action.

- T -

TESTIMONY - Evidence given by a competent witness, under oath; as distinguished from evidence derived from writings and other sources.

TORT - An injury or wrong committed, either with or without force, to the person or property of another.

TRANSCRIPT - The official record of proceedings in a trial or hearing.

- V -

VENUE - The particular county, city or geographical area in which a Court with jurisdiction may hear and determine a case.

VERDICT - In practice, the formal decision or finding made by a jury, reported to the Court and accepted by it.

VOIR DIRE - To speak the truth. The phrase denotes the preliminary examination which the Court may make of one presented as a witness or juror, as to his qualifications.

- W -

WAIVE - To give up right or claim voluntarily.

WAIVER OF IMMUNITY - A means authorized by statutes by which a witness, in advance of giving testimony or producing evidence, may renounce the fundamental right guaranteed by the Constitution that no person shall be compelled to be a witness against himself, frequently demanded of a public official.

WARRANT OF ARREST - A writ by a magistrate, justice or other competent authority, to a sheriff or other officer, requiring him to arrest a person therein named and bring him before the magistrate of Court to answer to a specified charge.

WEIGHT OF EVIDENCE - The balance of preponderance of evidence; the inclination of the greater amount of credible evidence, offered in a trial, to support one side of the issue rather than the other.

WITNESS - One who testifies to what he has seen, heard, or otherwise observed.