

Court Terminology and Definitions

10001.1 TERMINOLOGY

- (a) Arraignment: When a person is accused of committing a crime, appears in court, advised of the charges and asked to plead "guilty or "not guilty."
- (b) Commissioner: A person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters. Commissioners cannot sign search warrants and have limited power as opposed to a judge.
- (c) Hearsay: A statement made out of court that is offered in court as evidence to prove the truth of the matter asserted.
- (d) In Camera: A hearing in the judge's chambers or in court with all spectators (including the jury) excluded.
- (e) Jury Instructions: The guidelines given by the judge at the beginning and end of a trial that explain what the law in the case is and how the jurors should evaluate the evidence.
- (f) Polling The Jury: A practice in which jurors are asked individually whether they agree with the verdict.
- (g) Panel Attorneys: A group of private attorneys that are willing to provide services at a lower cost to criminal defendants who don't qualify for a public defender.
- (h) Preliminary Hearing: A proceeding in a criminal case before a judicial officer in which evidence is presented so that the court can determine whether there is probable cause to hold the accused for trial on a felony charge.
- (i) Pre-Trial (D&R): A meeting between the judge and attorneys or a Deputy district attorney and a public defender to review proposed evidence and talk about the possibility of settling the case.
- (j) Pro-Per: A short form of the Latin "in propria persona," meaning "in one's own proper person." Refers to persons that represent themselves in court without lawyers.
- (k) Pro-Tem Judge: Refer to CCOM Section 10003.4 – Pro-Tem Judges for definition.
- (l) Voir Dire: The process by which judges and lawyers select members of the jury by questioning them to make sure they can fairly decide the case.
- (m) Emergency: Refers to any significant disruption of normal facility procedures, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.
- (n) Security Tunnel: Refers to the secured corridors of a facility where inmates move from a cell or area to another cell or area.
- (o) Security Hallway: Refers to the hallways to the rear of the courtrooms that provide access to the judges' chambers and jury deliberation rooms, and to the non-public access areas.

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- (p) Custody Box: Refers to the area of a courtroom, whether or not it is enclosed, used for holding inmates.
- (q) Inmate: Refers to a person in custody who has completed a formal booking process at a city or county detention facility.
- (r) New Booking: Refers to an arrestee who is to be pre-booked by our Department and subsequently transported to, and formally booked at, the Orange County Jail.
- (s) Pre- Booking: Refers to the processing of a new booking and includes a thorough search of the arrestee and inventory of the arrestee's property, the use of the telephone by the arrestee and the completion of booking records/documents.
- (t) Calendar: Refers to the particular portion of a court's caseload that is pre- scheduled and of a specific nature (i.e., Small Claims, Traffic, Master, and Order to Show Cause [OSC]).
- (u) Private Attorney: Someone that is obtained by a client, with a retainer fee, and qualified to represent them in court and to give legal advice.
- (v) Public Defender: A lawyer appointed by the court, usually to represent a defendant in a criminal case that can't afford to hire a lawyer.
- (w) ALT. Public Defender: A subsection of the public defender's office that represents criminal defendants whereas the case involves more than one defendant. (It is a conflict of interest for the public defender's office to represent two or more defendants that are charged with the same offense.)
- (x) Conflict Attorney: An attorney appointed by the court to represent a person who is accused of a criminal charge where the criminal charge involves more than two defendants.

10001.2 DIVISION AUTHORITY

- (a) Except as otherwise provided by law, whenever required, the sheriff shall attend all superior courts held within their county provided, however, that a sheriff shall attend a civil action only if the presiding judge or their designee makes a determination that the attendance of the sheriff at such action is necessary for reasons of public safety. The sheriff shall obey all lawful orders and directions of all courts held within their county. (Government Code section 26603)
- (b) The Deputy sheriff in attendance upon court shall act as the crier thereof. They shall call the parties and witnesses and all other persons bound to appear at the court and make proclamation of the opening and adjournment of the court and of any other matter under its direction. (Government Code section 26611)

10001.3 MAGISTRATES ORDER TO ARREST

- (a) "A magistrate may orally order a peace officer or private person to arrest anyone committing or attempting to commit a public offense in the presence of such magistrate..." (Section 838 Penal Code)[\[1\]](#).

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- (b) "There shall be no civil liability on the part of, and no cause of action shall arise against, any peace officer... acting within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest under any of the following circumstances:... (3) The arrest was made pursuant to the requirements of [Penal Code] Section..., 838...." (Section 847(b) Penal Code [\[2\]](#)).
- (c) "Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein. "(Section 839 Penal Code [\[3\]](#)).