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What are crimes, anyway?

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Offences against judicial authority, public justice and the general welfare

- **Treason** is the one offense defined in the Constitution (Article III, Section 3) which states: "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."
- **Conspiracy** is a combination or agreement between two or more persons for accomplishing an unlawful end or a lawful end by illegal means.
- **Sedition** is an insurrectionary movement tending towards treason, but wanting an overt act; attempts made by meetings or speeches, or by publications, to disturb the tranquillity of the state.
- **Contempt** is a willful disregard or disobedience of a public authority. Any act which is calculated to embarrass, hinder, or obstruct court in administration of justice, or which is calculated to lessen its authority or dignity.
- **Perjury** is the willfull assertion as to a matter of fact, opinion, belief, or knowledge, made by a witness in a judicial proceeding as part of his or her evidence, either upon oath or in any form allowed by law to be substituted for an oath, whether such evidence is given in open court, or in an affidavit, or otherwise, such assertion being material to the issue or point of inquiry and known to such witness to be false.
- **Escape** is the departure or deliverance out of custody of a person who was lawfully imprisoned, before he/she is entitled to his or her liberty by the process of law.
- **Probation** in modern criminal administration, is allowing a person convicted of some minor offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision or guardianship of a probation officer.
- **Parole** in criminal law is a conditional release; conditioned being that, if prisoner makes good, he or she will receive an absolute discharge from balance of sentence, but, if he or she does not, he or she will be returned to serve unexpired time.
- **Bail** is the surety or sureties who procure the release of a person under arrest, by becoming responsible for his or her appearance at the time and place designated.

- **Compounding a felony** is the offense committed by a person who, having been directly injured by a felony, agrees with the criminal that he will not prosecute him, on condition of the latter's making reparation, or on receipt of a reward or bribe not to prosecute.
- **Extortion** is the obtaining of money or other valuable thing either by compulsion, by actual force, or by the force of motives applied to the will, and often more overpowering and irresistible than physical force.
- **Blackmail** is the extortion of money by threats or overtures towards criminal prosecution or the destruction of a person's reputation or social standing.
- **Criminal libel** is a libel which is punishable criminally; one which tends to excite a breach of the peace. The malicious defamation of a person made public by any printing or writing tending to provoke him or her to wrath and to deprive him or her of the benefits of public confidence and social intercourse.
- **Libel** is a false and malicious publication intended to injure reputation or expose person to public contempt or ridicule.
- **Forgery** is the false making or material altering, with intent to defraud, of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability.
- **Counterfeiting** is to copy or imitate, without authority or right, and with a view to deceive or defraud, by passing the copy or thing forged for that which is original or genuine. Most commonly applied to the fraudulent and criminal imitation of money.
- **Bribery** is the offering, giving, receiving, or soliciting of any thing of value to influence action as official or in discharge of legal or public duty.
- **Obstruction of Justice** is the impeding or obstructing of those who seek justice in a court, or those who have duties or powers of administering justice therein.
- **Disturbing the peace** is the interruption of the peace, quiet, and good order of a neighborhood or community, particularly by unnecessary and distracting noises.
- **Unlawful assembly** is the meeting together of three or more persons, to the disturbance of the public peace, and with the intention of cooperating in the forcible and violent execution of some unlawful private enterprise.
- **Riot** is any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law.
- **Vagrancy at common law** is the act of going about from place to place by a person without visible means of support, who is idle, and who, though able to work for his or her maintenance, refuses to do so, but lives without labor or on the charity of others.

Crimes against the person

- **Homicide** is the killing of any human creature. Homicide is not necessarily a crime. It is a necessary ingredient of the crimes of murder or manslaughter, but there are other cases in which homicide may be committed without criminal intent or criminal consequences, as, where it is done in the lawful execution of a judicial sentence, in self defense, or as the only possible means of arresting an escaping felon. The term "homicide" is neutral; while it describes the act, it pronounces no judgment on its moral or legal quality. Homicide is ordinarily classified as "justifiable," "excusable," or "felonious."
- **Murder** is the unlawful killing of a human being by another with malice aforethought,

either express or implied. Murder in the first degree is usually a homicide committed by poison, lying in wait, and other killings committed in pursuance of a deliberate and premeditated design, and to those which accompany the commission of some of the more atrocious felonies, such as burglary, arson, rape and robbery; while murder in the second degree occurs where there is no such deliberately formed design to take life or to perpetrate one of the enumerated felonies as is required for the first degree, but where, nevertheless, there was a purpose to kill (or at least a purpose to inflict the particular injury without caring whether it caused death or not) formed instantaneously in the mind, and where the killing was without justification or excuse, and without any such provocation as would reduce the crime to the grade of manslaughter. In some states there is a crime of "murder in the third degree," which is defined as the killing of a human being without any design to effect death by a person who is engaged in the commission of a felony.

- **Manslaughter** is the unlawful killing of another without malice, either express or implied; which may be either voluntarily, upon a sudden heat, or involuntarily, but in the commission of some unlawful act. The distinction between "manslaughter" and "murder" consists in the following: in the former, though the act which occasions death be unlawful or likely to be attended with bodily mischief, yet malice, either express or implied, which is the very essence of murder, is presumed to be wanting in manslaughter.
- **Suicide** is self destruction; the deliberate termination of one's existence, while in the possession and enjoyment of his/her mental faculties. The term "suicide," as used in insurance policies, has been held to mean death by one's own hand, irrespective of mental condition. But other cases hold that intent is essential
- **Rape** in criminal law, is the unlawful carnal knowledge of a woman by a man forcibly and against her will. Modern statutes often create an offense commonly known as "statutory rape" where the offense consists in having sexual intercourse with a female under statutory age, this offense may be either with or without the female's consent.
- **Abortion** is the unlawful destruction, or the bringing forth prematurely, of the human fetus before the natural time of birth.
- **Assault** is an intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward the person of another, under such circumstances as create well founded fear of imminent peril, coupled with apparent present ability to execute attempt, if not prevented. An offer or attempt to do bodily harm which falls short of an actual battery.
- **Battery** is an unlawful beating, or other wrongful physical violence or constraint, inflicted on a human being without his/her consent. The slightest touching of another, or of his/her clothes or anything else attached to his/her person, if done in a rude, insolent, or angry manner. The actual offer to use force to the injury of another person is "assault"; the use of it is "battery," which always includes an assault; hence the two terms are commonly combined in the term "assault and battery."
- **Mayhem** is the unlawful and violent depriving of another of the use of such of his/her members as may render him/her the less able in fighting, either to defend himself or herself, or to annoy his/her adversary. Every person who unlawfully and maliciously deprives a human being of a member of his/her body, or disables, disfigures, or renders it useless, or cuts or disables the tongue, or puts out an eye, or slits the nose, ear, or lip, is guilty of mayhem.
- **Kidnapping** is the abduction and detention of person, to exact money or for other unlawful end. Intentional taking of person and compelling him/her to be detained against his/her will. Under the statutes of many states, one who enters another's automobile and, without lawful authority, compels the driver against his/her will to drive to some other place, is guilty of kidnapping.

Crimes against real property

- **Arson** in several states, is divided into arson in the first, second, and third degrees. The first degree including the burning of an inhabited dwelling house in the night time; the second degree, the burning (at night) of a building other than a dwelling house, but so situated with reference to a dwelling house as to endanger it; the third degree, the burning of any building or structure not the subject of arson in the first or second degree, or the burning of property, his/her own or another's with the intent to defraud or prejudice an insurer thereof.
- **Vandalism** is the willful or ignorant destruction of artistic or literary treasures; hostility to or contempt for what is beautiful or venerable.
- **Burglary** is the breaking and entering the house of another in the night time, with intent to commit a felony therein, whether the felony be actually committed or not."

Crimes involving personal property

- **Larceny** is the fraudulent taking and carrying away of a thing without claim of right, with the intention of converting it to a use other than that of the owner, without his/her consent. Obtaining possession of property by fraud, trick or device with preconceived design or intent to appropriate, convert or steal.
- **Robbery** is the taking of personal property or money from the person or presence of another by actual or constructive force without his/her consent and with intent to steal. Robbery may thus be said to be a compound larceny, composed of the crime of larceny from the person with the aggravation of force, actual or constructive, in the taking.
- **Receiving stolen goods** is the short name usually given to the offense of receiving any property with the knowledge that it has been feloniously, or unlawfully stolen, taken, extorted, obtained, embezzled, or disposed of.
- **Embezzlement** is the fraudulent appropriation to his/her own use or benefit of property or money intrusted to him/her by another, by a clerk, agent, trustee, public officer, or other person acting in a fiduciary character.

The definitions appearing below can be found in the revised fourth edition of "Black's Law Dictionary".

Competent

The term "competent" indicates evidence or facts required by the very nature of the thing to be proven, such as the production of a writing where its contents are the subject of inquiry.

Compurgator

One of several neighbors of a person accused of a crime, or charged as a defendant in a civil action, who appeared and swore that they believed him on his oath.

Corpus delicti

Literally "the body of the crime." The material substance upon which a crime has been committed. In a derivative sense, the substance or foundation of a crime; the substantial fact that a crime has been committed. This term has been often misunderstood to mean the "body" or "corpse" of a victim. This is incorrect. Even if a body has not been found, a crime may be proven to have been committed by the weight of circumstantial evidence only.

Evidence

Any species of proof, or probative matter, legally presented at the trial of an issue, by the

act of the parties and through the medium of witnesses, records, documents, concrete objects etcetera, for the purpose of inducing belief in the minds of the court or jury as to their contention.

Evidence (Circumstantial)

Evidence of an indirect nature which implies the existence of the main fact in question but does not in itself prove it. That is, the existence of the main fact is deduced from the indirect or circumstantial evidence by a process of probable reasoning. The introduction of a defendant's fingerprints or DNA sample are examples of circumstantial evidence.

Evidence (Direct)

Evidence which tends to show the existence of a fact in question, without the intervention of the, proof of any other fact and is distinguished from circumstantial or indirect evidence. For example, direct evidence is most often obtained from witnesses who saw acts done or heard words spoken.

False pretenses

Designed misrepresentation of existing fact or condition whereby a person obtains another's money or goods.

Felony

A crime of a graver or more atrocious nature than those designated as misdemeanors. Generally an offense punishable by death or imprisonment in penitentiary.

Habeas corpus

Literally "You have the body." The name given to a variety of writs, having for their object to bring a party before a court or judge. The purpose of the writ is not to determine the prisoner's guilt or innocence, but rather to determine whether the prisoner is restrained of his or her liberty by due process. It is directed to the person detaining another, and commanding him or her to produce the body of the prisoner, or person detained, with the day and cause of his or her capture and detention, to do, submit to, and receive whatsoever the judge or court awarding the writ shall consider in that behalf. It is a well known remedy for deliverance from illegal confinement. This writ is specifically incorporated in Article I, Section 9 of the Constitution where it states: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it."

Jail

A gaol; a prison; a building designated by law, or regularly used, for the confinement of persons held in lawful custody. While the primary function of a "jail" is a place of detention for persons committed thereto, under sentence of a court, it is also the proper and usual place where persons under arrest or awaiting trial are kept until they appear in court and the charge disposed of.

Jury

In practice, a certain number of men/women, selected according to law, and sworn (jurati) to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them. This definition includes the various subdivisions of juries; as grand jury, petit jury, common jury, special jury, coroner's jury, sheriff's jury etc.

Material

The term "material" (when used as an adjective applied to evidence or facts) indicates evidence or facts which are relevant and go to the substantial matters in dispute or have legitimate and effective influence or bearing on the decision of the case.

Misdemeanor

Offense lower than a felony and generally punishable by fine or imprisonment otherwise than in penitentiary.

Penitentiary

A prison or place of punishment; the place of punishment in which the convicts sentenced to confinement and hard labor are confined by the authority of the law.

Plea

The first pleading on the part of the defendant. In the strictest sense, the answer which the defendant in an action at law makes to the plaintiff's declaration, and in which he/she sets up matter of fact as defense, thus distinguished from a demurrer, which interposes objections on grounds of law.

Reasonable doubt

One definition for "Proof beyond a reasonable doubt" is such proof as satisfies the judgment and consciences of the jury, as reasonable men and women, and applying their reason to the evidence before them, that the crime charged has been committed by the defendant, and so satisfies them as to leave no other reasonable conclusion possible.

Relevant

The term "relevant" (when used as an adjective applied to evidence or facts) indicates evidence or facts which bear directly upon the point or fact in issue, and proves or has a tendency to prove the proposition alleged.

Subpoena

The subpoena is the process for compelling the attendance of witnesses to give testimony on behalf of a specified party. It is a court process signed by a judicial official, the prosecutor, or the clerk of a court in which a criminal action is pending for trial. Such officers of the court must, at any time upon application of the defendant, and without charge, issue as many blank subpoenas for witnesses as the defendant may require. Disobedience to this court process by failure to appear, or a refusal to be sworn or to testify as witness upon appearance, may be punished by the court as a contempt.

Trial

A judicial examination, in accordance with law of the land, of a cause, either civil or criminal, of the issues between the parties, whether of law or fact, before a court that has jurisdiction over it. In its strict definition, the word "trial" in criminal procedure means the proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to and including the rendition of the verdict.



Voir-Dire

A french term meaning "to speak the truth." This phrase denotes the preliminary examination the court may make of one presented as a witness or juror, where his or her competency, interest, etc. is objected to.

Witness

A person whose declaration under oath (or affirmation) is received as evidence for any purpose, whether such declaration be made on oral examination or by deposition or affidavit.

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