

Level I - GLOSSARY

(Note: See *Code of Judicial Conduct*, Canon 8, Construction and Terminology, for more definitions.)

Acquittal: The legal and formal certification of the innocence of a person who has been charged with a crime; a finding of not guilty.

Actor: A person whose criminal responsibility is in issue in a criminal action.

Adjudicative Proceeding: A proceeding in which a person is entitled to due process of law—notice and an opportunity to be heard.

Adversary System: A system in which there are two opposing sides. In municipal court, the opposing sides are the state (prosecution) and the defense. The judge and jury are neutral.

Affinity: The relation that one's spouse has to the other spouse's blood relatives because of their marriage.

Afforded: Given or provided.

Allocation: The process of distributing in equal or proportionate parts.

Appeal: The process of having a higher court conduct a new trial or review either the facts or questions of law from a proceeding held in a lower court. In municipal courts of record, the appellate court reviews the transcript of the trial. In municipal courts of non-record, there is a new trial in the appellate court. All defendants have a right to appeal their case.

Appeal Bond: The bond presented to the court by a defendant who desires to appeal his or her case to a higher court. The bond may be surety or cash, or the court may allow a personal bond.

Appearance: The formal proceeding by which a defendant submits to the jurisdiction of the court. Only the defendant or an attorney hired to represent the defendant may make an appearance.

Appellate Courts: Courts that have jurisdiction over appeals from lower courts.

Arbiter: A person chosen to decide a controversy; a referee.

Arraignment: The proceeding in which the court identifies the defendant, explains the charge, and asks for a plea.

Array: Jury pool; all persons summoned for possible jury service; also called the *venire*.

Attest: To certify as being true or genuine.

Authority: The right to exercise power.

Avocational: A subordinate occupation pursued in addition to one's vocation (occupation).

Bail: The security given by the accused that he or she will appear and answer before the proper court the accusation brought against him or her. Bail may be made by a personal or surety bond, or a cash deposit.

Bench Trial: A trial before the judge where there is no jury and the judge makes the decision of guilt or innocence.

Beyond a Reasonable Doubt: The measure of the State's burden of proof in a criminal trial; the State must exclude reasonable doubt of the defendant's guilt by the presentation of its case.

Bifurcated System: A system divided into two parts. The Texas court system is bifurcated: the Supreme Court is the highest state appellate court for civil appeals; the Court of Criminal Appeals is the highest court for criminal appeals.

Bill of Rights: That part of the constitution guaranteeing rights and privileges to individuals; the first ten amendments of the U.S. Constitution.

Bond Forfeiture: Triggered by failure to perform a condition of the bond, such as when the defendant fails to appear as promised. The defendant and/or surety become(s) liable for the payment of the bond as a consequence.

Branches of Government: Three divisions of government, each having its own obligations, duties, and powers. The legislative branch, executive branch, and judicial branch. See also separation of powers doctrine.

Canon: Standards of ethical conduct for members of the judiciary.

Capias: A written order from a court directed to a peace officer commanding him or her to arrest a person accused of an offense and bring him or her before that court immediately or on a day or at a term stated in the capias.

Capias Pro Fine: Issued by a judge when a defendant is absent at the time judgment is rendered or when a defendant defaults in payment of fine. It is a written order from a court directed to a peace officer commanding him or her to arrest a person and to bring the person before the court or place him or her in jail until he or she can be brought before the court.

Challenge for Cause: Request that a prospective juror be disqualified or excused from jury service; an objection lodged on legal grounds.

Charging Instrument: A complaint filed with the court charging a criminal offense; the formal accusation that a person has committed a criminal offense.

Citation: In a criminal case, it is a written notice to appear issued by a peace officer that may be used as the charging instrument in municipal court.

Civil Lawsuit: An action brought in court to enforce, redress, or protect private rights.

Civil Liability: Civil relates to private rights and remedies. A civil action can be brought to enforce, redress, or protect private rights. Being liable civilly means that a person may be held responsible for a certain act and required to pay money damages.

Color of Office: Pretense of an official right to do an act made by one who has no such right. An act under color of office is an act of an officer who claims authority to do the

act by reason of his or her office when the office does not confer on him or her any such authority.

Commercial Motor Vehicle: A motor vehicle used to transport passengers or property that: (1) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (2) has a gross vehicle weight rating of 26,001 or more pounds; (3) is designed to transport 16 or more passengers, including the driver; or (4) is transporting hazardous materials and is required to be placarded. (Subtitle B, Section 522.003(5), T.C.)

Common Law: A body of law developed in England that the U.S. justice system accepts and upon which it bases its principles, customs, and rules of action.

Complainant: In this Chapter, it refers to a person who applies to the Commission on Judicial Conduct for some type of remedy. A complainant can also be a person who has a complaint sworn out charging someone with an offense.

Complaint: The written affidavit or sworn statement that accuses a person of committing a crime. It also initiates a file with the Commission on Judicial Conduct. In municipal court, the complaint is the charging instrument.

Concurrent Jurisdiction: Jurisdiction shared between more than one court; cases can be filed in either court.

Conflict of Interest: A relationship that suggests disqualification of a public official from performing his or her sworn duty; a clash between public interest and the private pecuniary interest or other interest of the individual concerned.

Consanguinity: Blood relationship; the connection of persons descended from the same stock or common ancestor.

Constitution: A document that established the American system of government and its principles.

Constitutional Courts: Courts established by the Texas Constitution, including the Supreme Court, Court of Criminal Appeals, courts of appeals, district courts, county courts, and justice of the peace courts.

Contempt: Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or to lessen its authority or dignity. There are two kinds of contempt: direct and indirect. Direct contempt is committed in the immediate presence of the court; indirect chiefly refers to the failure or refusal to obey a lawful court order.

Contiguous: Adjoining; side-by-side.

Continuance: The adjournment or postponement of a case pending in court to a later date and time.

Conviction: The final judgment on a verdict or plea of guilty, or a plea of nolo contendere. The result of a criminal trial that ends in a finding that the accused is guilty as charged.

Corporation Court: An antiquated term for a municipal court.

County Courts: Constitutional courts that have general jurisdiction over probate cases; exclusive original jurisdiction over misdemeanors punishable by fines exceeding \$500 and/or a jail sentence not to exceed one year; concurrent jurisdiction with the justice of the peace courts in civil cases where the amount in controversy exceeds \$200 but does not exceed \$10,000; and appellate jurisdiction over cases from justice of the peace and municipal courts.

Court of Criminal Appeals: A constitutional court of last resort that has jurisdiction over appeals of criminal cases from the courts of appeals as well as trial court cases in which the death penalty has been imposed. The Court of Criminal Appeals is authorized by the state legislature to promulgate rules of evidence and appellate procedure in criminal cases and the rules for judicial education.

Covert: Not openly known; hidden, concealed.

Criminal Action: An action brought by the government against a person charged with committing a crime.

Culpable Mental State: The state of mind of the defendant indicating some degree of guilt or responsibility at the time the crime was committed.

Custodian of the Records: Anyone who has charge or custody of property or records. Municipal court clerks are responsible for the care, control, maintenance, and archival of municipal court records and, as such, are custodians of the court records.

Deferred Disposition: A process in which a judge defers imposition of the fine and grants probation requiring the defendant to adhere to certain terms. If a defendant successfully completes the terms of probation, the judge is required to dismiss the case.

Delineate: Described or represented accurately.

De Novo: A new trial as if the case had not been previously heard and no decision had been rendered. Appeals from municipal courts of non-record are heard de novo in the county court.

Denunciation: To condemn something as being evil or morally wrong.

DIC-15 Form: The DPS form that is required to report orders for license suspension for: (1) conviction of most Alcoholic Beverage Code offenses and public intoxication of persons under age 21; (2) failure to complete alcohol awareness program; (3) failure to complete community service; and (4) failure to complete tobacco awareness course. It is also used to report acquittals of Driving Under the Influence and orders of deferred disposition of Alcoholic Beverage Code offenses.

DIC-21 Form: The DPS form that is required to report convictions of offenses that carry an automatic suspension of driver's license.

DIC-81 Form: The DPS form used to report a juvenile's failure to appear in court or failure to pay a judgment.

Diligence: Characterized by persevering the attention and care legally expected or required of a person.

Diminution: The act, process, or instance of diminishing (decreasing).

Discovery: A pre-trial device that can be used to obtain facts and information about the case.

Discretion: Sound, professional judgment that encompasses and reflects both equity (fairness) and experience under the law; A latitude of choice within certain legal bounds.

District Courts: Constitutional courts of general jurisdiction having original jurisdiction in all criminal felonies, as well as misdemeanors involving official misconduct; cases of divorce; suits for title to land or enforcement of liens on land; contested elections; suits for slander or defamation; suits on behalf of the State for escheat (a right of the State to an estate left vacant); and all civil matters where the amount in the controversy is \$200 or more.

Docket: A formal record with brief entries required to be kept on all complaints filed in the court. Maintaining the docket is a ministerial duty that the judge may delegate to the clerk.

Double Jeopardy: A second prosecution after a first trial for the same offense; prohibited by the Fifth Amendment to the U.S. Constitution and the Texas Constitution, Article I, Section 14. It is the only special plea allowed in municipal court.

DR-18 Form: The DPS form used by the courts to report traffic convictions.

Emolument: The profit arising from office or employment; includes salary and fees.

Empowered: Authority to perform certain actions.

Entrapment: An act of law enforcement officers to induce a person to commit a crime not contemplated by the person for the sole purpose of instituting a criminal prosecution against the person.

Escheat: The preferable right of the State to an estate left vacant and without anyone in existence able to claim the estate.

Ethics: Relates to moral action, conduct, motive, or character; conforming to professional standards of conduct; the discipline dealing with what is good and bad and with moral duty and obligation; a set of moral principles or values.

Evidence: Any type of proof legally admitted at a trial through witnesses, records, documents, objects, etc., for the purpose of instituting a criminal prosecution or proving or disproving elements of a criminal case.

Excess Fines Law: Found in Transportation Code, Subtitle C, Section 542.402(b). Applies to cities with a population of less than 5,000, and enacted to prevent "speed traps," or small cities that collect a large portion of their budget from traffic enforcement.

Execution (Writ of): A civil process where a defendant's property may be seized and sold to pay for the municipal court's judgment of fine and costs.

Exclusive Original Jurisdiction: A court having sole jurisdiction over a case because no other court has jurisdiction to hear and determine the case.

Ex Officio: Powers resulting from the holding of a particular office. Powers that may be exercised by an officer that are not specifically conferred upon him or her, but are necessarily implied in his or her office.

Ex parte: Hearing from one side only outside of the presence of the other side.

Expunction: The process by which the record of a criminal conviction is destroyed or sealed.

Federal Court System: The judicial system that hears criminal and civil cases involving federal law, and states' appeals.

Felony: A classification of criminal offense; felonies are more serious than misdemeanors; classified according to the relative seriousness of the offense into five categories: (1) capital felonies; (2) felonies of the first degree; (3) felonies of the second degree; (4) felonies of the third degree; and (5) state jail felonies.

Fidelity: A quality or state of faithfulness to something to which one is bound by duty or by a sense of what is right or appropriate.

Financial Responsibility: The ability to respond in damages for liability in an accident.

Fine: The penalty assessed by a judge or a jury when convicting a defendant.

Forfeiture of Bail: A process that occurs when a defendant posts bond and then fails to appear. When a defendant posts bond, he or she agrees to appear in court as a condition of being released. Failure to perform a condition of the bond causes the forfeiture of the bail to be declared.

General-Law City: A city that looks to the state legislature for its authority, a statutory court.

Guilty: A plea by which a defendant confesses to the crime with which the defendant is charged, or the verdict by which a defendant is convicted.

Habeas Corpus (Writ of): A written order issued by a court or judge of competent jurisdiction directed to anyone having a person in his or her custody or under restraint, commanding him or her to produce the person at a time and place named in the order and show why the person is held in custody or under restraint.

Highway or Street: The width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel. (Subtitle C, Section 541.302(5), T.C.)

Home-Rule City: A city that is governed by a charter, which gives the city a measure of self-government. A home-rule city looks to its charter for limitation in power.

Impartial: Not biased; treating all equally.

Impinge: Encroach or infringe.

Impropriety: The state of being improper (not in accord with fact, truth, or right procedure).

Indictment: A sworn affidavit accusing a person of a crime made by a grand jury.

Indigent: Poor; unable to pay; one who does not have sufficient financial ability to hire legal counsel or pay a fine and court costs.

Integrity: An adherence to one's moral values or practicing what one claims to believe in.

Inviolate: Free from substantial impairment. Secure, holy, sacrosanct, invulnerable.

Jail Time Credit: Credit on a defendant's fine required to be given when a defendant has been confined in jail before being convicted of a crime by the court or jury, or after a conviction.

Judgment: The written declaration of the court signed by the judge and entered on record showing the conviction or acquittal of the defendant.

Judgment Nisi: A temporary order that will become final unless the defendant and/or surety show good cause why the judgment should be set aside.

Judicial Duties: Duties that require the exercise of judgment or the determination of a question of law or fact. Only judges may perform judicial duties.

Jurisdiction: The legal power or authority courts have over certain types of offenses and geographical locations; the power to hear and decide cases.

Jury Charge: An instrument that contains the law that applies to the case and is read to jurors before argument commences in the trial.

Jury Shuffle: When juror names are mixed to create a new order on a jury list.

Justice of the Peace Courts: Constitutional courts that have original jurisdiction over fine-only offenses; concurrent jurisdiction with municipal courts over fine-only state law violations; concurrent jurisdiction over a city ordinance violation involving signs in the city's extraterritorial jurisdiction; exclusive jurisdiction over civil matters when the amount in controversy does not exceed \$200; and concurrent jurisdiction with the county courts when the amount in controversy is over \$200 and up to \$10,000.

Juvenile: Although there is no legal definition of juvenile, the Family Code defines a child as a person who is at least 10 years of age and under the age of 17.

Legal Authority: The right and power of judges to require obedience to their orders.

Liaison: A person who establishes and maintains communication and understanding between groups of people.

Litigant: A party to a lawsuit.

Magistrate: A judicial officer whose duty it is to preserve the peace within a certain territorial jurisdiction by use of all lawful means; to issue all process intended to aid in preventing and suppressing crime; and to cause the arrest of all offenders by lawful means in order that they may be brought to trial or, after trial, to punishment.

Manifest: To make evident or certain by showing or displaying a certain conduct.

May: Denotes permissible discretion or, depending on the context, refers to action that is not covered by specific proscriptions.

Ministerial Duties: Duties in which there is nothing left to discretion; generally administrative in nature.

Minor: In traffic law, a minor is a person who is younger than 17 years of age; in the Alcoholic Beverage Code, a minor is a person who is under 21 years of age. In the Health and Safety Code, a minor is person under the age of 18.

Misconduct of Office: An offense that is an intentional or knowing violation of a law committed by a public servant while acting in an official capacity as a public servant. Municipal judges, court clerks, and deputy court clerks are public servants.

Misdemeanor: A classification of criminal offense according to the relative seriousness of the offense; misdemeanors are less serious than felonies; misdemeanors are classified into three categories: Class A, Class B, and Class C misdemeanors; Class A and B misdemeanors are punishable by fine and confinement in jail; Class C misdemeanors, over which municipal courts have jurisdiction, are punishable by fine-only.

Mitigating Circumstances: Circumstances that do not constitute a justification or excuse of the offense in question, but which, in fairness and mercy, may be considered as extenuating or reducing the degree of moral culpability.

Municipal Court: Statutory courts created in each city with original jurisdiction over fine-only offenses; exclusive original jurisdiction over city ordinance violations with the exception of concurrent jurisdiction with a justice court involving a sign ordinance violation dealing with signs in the city's extraterritorial jurisdiction; and concurrent original jurisdiction with the justice of the peace courts over fine-only state law violations.

Municipal Court of Non-Record: A municipal court created by statute in which a city has not opted by ordinance for the court to be a record court. Hence, the trials are not recorded and appeals from the court are de novo, which means that the defendant gets a new trial as if a trial had not occurred in the municipal court.

Municipal Courts of Record: A municipal court that is required to keep a record of its proceedings. Established either by state legislation or city election.

Must: Required by law; mandatory; creates or recognizes a condition precedent.

No Contest or Nolo Contendere: A plea in which the defendant does not contest the charge. Nolo contendere has the same legal effect as a guilty plea; however, it may not be used against the defendant as an admission of guilt in a civil suit based upon or growing out of the act upon which the criminal prosecution is based.

Nonresident Violator Compact: An agreement between certain states involving participation in a reciprocal program to provide for the fair and impartial treatment of traffic violators operating within party jurisdictions.

Nonsecure Custody: An unlocked multipurpose area where juveniles may be detained for up to six hours. While the juvenile is in the custodial area, they cannot be handcuffed to a chair, railing, or any object, and they must be under continuous visual observation by a law enforcement officer or a member of the facility staff.

Not Guilty Plea: A plea in which the defendant informs the court that he or she denies guilt or has a defense in the case and that the State must prove what it has charged in the complaint.

Oath of Office: An oath taken by officers when they assume their office, whereby they declare that they will faithfully discharge the duties of the office. Appointed and elected clerks and judges are required to take an oath of office.

Office of Court Administration (OCA): An agency of the State that operates under the direction and supervision of the Supreme Court and the Chief Justice of the Supreme Court charged with collecting data on the work conducted by the judiciary.

Onerous: A burden imposed.

Ordinance: A law passed by a county or municipal lawmaking body.

Original Jurisdiction: The first jurisdiction to try a case and pass judgment upon the law and facts.

Overt: Open to view.

Peace Bond: A type of surety bond required by a judge or magistrate of one who has threatened to harm another person.

Pecuniary: Relating to money.

Peremptory Challenge: An objection made to a particular juror that does not require that any cause be shown or that any ruling be made by the judge; the striking of a juror. In municipal court, three peremptory challenges or strikes are allowed both to the State and to the defendant.

Perfectured: Completed; person has completed all the acts required to be done.

Plaintiff: A person who brings an action; the person who complains or sues in a civil action; a person who seeks remedial relief for an injury to rights.

Plea: The defendant's answer to the accusation or complaint brought against a person by the state in municipal court. There are five possible pleas: guilty, not guilty, nolo contendere (no contest), not guilty by reason of insanity, or the special plea of double jeopardy.

Preponderance of the Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Presumption of Innocence: A principle of criminal law that places the burden of proving every element of a crime beyond a reasonable doubt; the defendant has no burden to prove his or her innocence.

Pre-Trial Hearing: A court hearing before the trial to attempt to narrow the issues to be tried, secure stipulations, and rule on motions. The actions taken at the hearing or conference are made the subject of an order that controls the future course of the action.

Privileged Information: Information that is protected from disclosure.

Privileged Parking: Once called handicapped parking, now often referred to as disabled parking. (Section 681.001, T.C.)

Probable Cause: Probable cause is the amount of evidence necessary to cause a person to believe someone has committed a crime. An arrest warrant, a summons, and a *capias* require probable cause before being issued. A complaint is not sufficient to issue a warrant unless it contains probable cause.

Process: A series of actions leading to the preparation of court orders, complaints, and other required papers.

Processes: Written orders such as warrants, *capias*, *capias pro fine*, subpoenas, and summons issued by the municipal judge.

Promulgate: To publish; the formal act of announcing a statute or rule of court.

Proration: The process of dividing or distributing proportionately.

Reasonable Doubt: All persons are presumed innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, indicted, or otherwise charged with the offense gives rise to no inference of guilt at his or her trial.

Record: A written transcription of testimony, exhibits, and documents of a trial.

Recusal: The process by which a judge is disqualified from hearing a charge filed in his or her court.

Remand: To send back; as when the appellate court sends a case back to the same court from which it came, for the purpose of having some further action taken on it there.

Rendering Judgment: The judicial act of pronouncing the decision of the court.

School Crossing Zone: A reduced speed zone designated by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

Scire Facias: A special docket required by law to handle all cases and proceedings involved in the forfeiture of bail bonds.

Sealing of Records: The process whereby a juvenile's court records are closed and the matter is regarded as if it never occurred. The records will not be opened except by order of the juvenile court brought about by a petition of the person whose records were sealed.

Search Warrant: An order in writing issued by a magistrate authorizing a peace officer to search for and seize any property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, or things otherwise criminally possessed.

Separation of Powers Doctrine: The constitutional requirement that the three branches of government—judicial, legislative, and executive—not encroach upon or usurp each other's powers.

Serious Traffic Violations: Traffic offenses, which when committed by a person operating a commercial motor vehicle, are considered to be more serious than others. They include: excessive speeding 15 mph over the posted limit or more; reckless driving; violation of State and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely. (Section 522.003(25), T.C.)

Shall and Shall Not: Denotes binding obligations that if violated can result in disciplinary action.

Should or Should Not: Relates to aspirational goals and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined.

Stare Decisis: To abide by or adhere to decided cases; the policy of courts to stand by precedent and to not disturb settled points; the doctrine that when a principle of law as applicable to a certain state of facts is laid down, it will apply to all future cases where facts are substantially the same.

Statute: A particular law enacted and established by the state legislature.

Statute of Limitations: Time limit for filing criminal charges. For all fine-only misdemeanors in Texas, a charging instrument must be filed two years from the date the offense occurred.

Statutory Courts: Courts established by the state legislature and defined by statute. Municipal courts are statutory courts.

Strict Liability: Offenses in which the state is not required to prove a culpable mental state. Commission of the act itself is sufficient to determine guilt.

Strike: A common name for peremptory challenge where an objection is made to a particular juror which does not require that any cause be shown or that any ruling be made by the judge.

Style of the Action: The title of the case; for example, *The State of Texas vs. John Doe* with the case number.

Subsidiary Dockets: Listings of cases set for a particular date for trial; also called trial dockets.

Subpoena: A command by a court to appear at a certain time and place to give testimony upon a certain matter.

Subpoena Duces Tecum: A command by a court to appear at a certain time and place and to produce books, papers, or other things requested by the court.

Summons: An order from a magistrate or judge directed to a peace officer commanding him or her to notify a person that he or she must appear in court on a stated day and time to plead to a complaint filed in the court.

Supersedeas Bond: A writ or bond that suspends the execution of a judgment pending appeal.

Suppress: To keep evidence from being presented during a trial.

Supreme Court: A constitutional court that has statewide final appellate jurisdiction in most civil and juvenile cases and makes and enforces all necessary rules of civil trial practice and procedure, evidence, and appellate procedure.

The Rule: Rule 614 of the Texas Rules of Evidence, requiring the removal of all witnesses who are not parties to the case to an area outside the hearing of the courtroom at all times while testimony is being heard, except when testifying or until discharged.

Trial Court: A court of original jurisdiction and the first to consider evidence and render a judgment.

Trial De Novo: Trying a matter anew on appeal; the same as if it had not been previously heard before and as if no decision had been previously rendered.

Trial Dockets: Listings of cases set for a particular trial date and are commonly called subsidiary dockets.

Tuancy: The unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days of parts of days within a four-week period from school without the consent of the child's parents.

Venire: The whole group of prospective jurors; the panel from which jurors are selected to hear the case; jury pool.

Venire Person: A person summoned as a juror.

Venue: The particular geographical area in which a court with jurisdiction may hear and determine a case.

Verdict: The formal and unanimous decision of a jury impaneled and sworn for a trial of a case and returned in open court to the judge on the matters or question of fact submitted to the jury during the trial; Finding of "guilty" or "not guilty."

Verity: The quality of being true or real.

Violate Promise to Appear: An offense that may be filed when a defendant fails to appear for an offense charged under Subtitle C, T.C.

Voir Dire: This phrase means "to speak the truth" and describes questioning by the court, defense, or prosecutor about a person's qualifications as a potential juror in a case or a witness's competency during a trial.

Voluntarily: Intentionally and without coercion.

Waive/Waiver: Voluntary, knowing, and intentional relinquishment or surrender of a right, claim, or privilege.

Warrant of Arrest: A written order issued by a magistrate or judge directed to a peace officer commanding him or her to take the body of the accused to be dealt with according to law.

Witness: One who personally sees, observes, or is an expert concerning something and later testifies to what was seen, perceived, or known; a person whose declaration under oath or affirmation is received as evidence.

Writ: A written order.

Writ of Mandamus: A written order issued from a court of superior jurisdiction commanding an administrative or judicial officer of an inferior court to perform a particular act, directing the restoration of the complainant's rights or privileges of which he or she has been illegally deprived, or compelling the performance of a ministerial act or mandatory duty.

Writ of Procedendo: A written order by which the county court declares its lack of jurisdiction over an appeal and returns the case to municipal court to collect the judgment.

Writ of *Venire*: An order from the judge commanding the proper officer (usually the court clerk) to summons immediately a list of prospective jurors to serve for a particular term of the court.