

# Attorneys Guide To The Use Of Court Interpreters, With An English And Spanish Glossary Of Criminal Law Terms

## I. INTRODUCTION

Legal processes are baffling to many laymen and frequently are looked upon as "legal red tape".<sup>1</sup> Our complex legal system is especially incomprehensible to those who have difficulties understanding or communicating in English.

The language barrier is one of the primary causes preventing many from becoming involved in our judicial system . . . It acts as a 'chilling effect' upon those who would otherwise seek justice within the legal system.<sup>2</sup>

The use of court interpreters helps overcome this barrier to some extent. But, as is illustrated elsewhere in this article, many interpreters do not have an adequate understanding of legal terminology in either English or Spanish and are consequently unable to translate accurately or completely.

The several Spanish/English dictionaries currently available<sup>3</sup> have limited utility because they are too academic for use with many Spanish-speaking defendants and witnesses who frequently lack an education in either language. A reference work is needed that restates our legal phrasing into plain language which can be more readily grasped by those who do not fully understand English.

This article considers some general problems and needs in pro-

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<sup>1</sup>AM. BAR ASS'N., *LAW AND THE COURTS: A LAYMAN'S HANDBOOK OF COURT PROCEDURES, WITH A GLOSSARY OF LEGAL TERMINOLOGY* 3 (1974).

<sup>2</sup>SENATE COMM. ON THE JUDICIARY, *BILINGUAL COURT PROCEEDINGS*, S. REP. NO. 93-1185, 93d Cong., 2d Sess. 4 (1974) [hereinafter cited as *REPORT ON BILINGUAL CT. PROC.*].

<sup>3</sup>VELÁZQUEZ *SPANISH AND ENGLISH DICTIONARY* (Rev. 1959); CASSELL'S *SPANISH DICTIONARY: SPANISH-ENGLISH, ENGLISH-SPANISH* (1960); L.A. ROBB, *DICTIONARY OF LEGAL TERMS: SPANISH-ENGLISH, ENGLISH-SPANISH* (1955); J. DE D. TEJADA, *SPANISH AND ENGLISH LEGAL AND COMMERCIAL DICTIONARY* (1945).

viding effective interpreter services. Suggested court instructions and a questionnaire are included to aid in the selection of qualified interpreters. A recommendation is made that such interpreters be certified and that a list of their names be made available to all public and private users. An abbreviated English and Spanish glossary of legal terms and phrases concludes the article. The sample glossary illustrates the kind of bilingual work which should be undertaken in much greater depth and which should be made available to anyone who must deal with Spanish-speaking persons in the course of litigation. The term "Spanish-speaking" is intended to refer to persons who use Spanish as their primary language and who have varying degrees of difficulty understanding or communicating in English. The glossary is prepared with the assumption that definitions found in bilingual legal dictionaries are not always understandable to many Spanish-speaking persons involved in the legal process. It is an attempt to express certain terms of our criminal justice system in everyday language whenever possible, keeping in mind the particular need for exactness which the law requires.

## II. BACKGROUND TO GENERAL PROBLEMS IN INTERPRETING

Interpreters are presently provided primarily for the benefit of the court rather than for the accused.<sup>4</sup> It is relatively simple to determine when an interpreter is needed so that the court, counsel or the jury can understand the testimony of non-English speaking witnesses. It is much more difficult to determine when an interpreter should be provided for individuals with English language handicaps. This preface focuses on interpreting as a procedure and on the problems to be considered in providing such services. It does not attempt to determine at what point interpreting services should be made available.

Interpreting is not a mechanical substitution of words in one language with their verbatim equivalent in another. It requires a continuing exercise of judgment and analysis of what is meant or intended to be said by the parties. The level of interpreter competency required may vary with the seriousness of the crime and the use to be made of the translation.<sup>5</sup> For example, in a trial for a capital offense one should expect a much higher degree of interpreter competency than that required for a petty traffic violation. An extensive vocabulary and a sure grasp of the meaning of words is necessary to translate scientific, technical, or legal transactions. Less obvious to many is that a similar linguistic skill is necessary to translate slang, dialects

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<sup>4</sup>Note, *The Right to an Interpreter*, 25 RUTGERS L. REV. 145 (1970).

<sup>5</sup>Brinsmade, *Mexican Law — An Outline and Bibliography of English Source Materials Relating to Certain Aspects Thereof*, 6 INT'L. LAW 829, 830 (1972).

and everyday idiomatic expressions. Such linguistic elements exist in every language. They pose a special problem for the courts because most courts are not prepared to evaluate the competency of interpreters with these elements in mind.

#### A. LEGAL BASIS FOR INTERPRETERS

Approximately one-half the states<sup>6</sup> have statutes which permit the furnishing of interpreters for non-English speaking participants in criminal trials.<sup>7</sup> Only the New Mexico constitution, however, purports to guarantee this right.<sup>8</sup> In all other states appointment of an interpreter for the accused is not required but rather is completely within the discretion of the court. Few minimum standards exist in the area of interpreter qualification to guide the exercise of this discretionary power.<sup>9</sup> On the federal level only eight of the ninety-four judicial districts have full-time Spanish language interpreters. In other districts the appointment of interpreters is essentially ad hoc.<sup>10</sup>

Judicial decisions also furnish a basis for providing interpreters as a matter of constitutional right. The Supreme Court of Utah, in *State v. Vasquez*,<sup>11</sup> held that denial of an interpreter to a Spanish-speaking defendant who spoke only "broken English" was a denial of his sixth amendment right to confrontation and cross-examination of witnesses and his constitutional right to a fair trial. In *United States ex rel. Negron v. New York*,<sup>12</sup> the U.S. Second Circuit Court of Appeals affirmed a federal district court ruling<sup>13</sup> which stated that an illiterate and indigent defendant who did not comprehend the testimony of English-speaking witnesses must be provided with a simultaneous translation of such testimony to permit effective cross-examination by the defense. The federal district court found a judicial duty to inform such a defendant of the availability of a court-appointed interpreter at government expense. Failure to so inform and provide the defendant with an interpreter was a denial of his sixth amendment right to confrontation. The court also concluded that the trial lacked the basic and fundamental fairness required by the due process clause of the fourteenth amendment.<sup>14</sup>

Awareness of the need for bilingual services is increasing. For

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<sup>6</sup>Interpreter Note, *supra* note 4, at 147 n.7.

<sup>7</sup>*Id.* at 148.

<sup>8</sup>*Id.* at 148 n.16.

<sup>9</sup>*Id.* at 166.

<sup>10</sup>REPORT ON BILINGUAL CT. PROC., *supra* note 2, at 3.

<sup>11</sup>*State v. Vasquez*, 101 Utah 444, 121 P.2d 903 (1942).

<sup>12</sup>434 F.2d 386 (2d Cir. 1970).

<sup>13</sup>*United States ex rel. Negron v. State of New York*, 310 F. Supp. 1304 (E.D.N.Y. 1970).

<sup>14</sup>*Id.* at 1307-09.

example, courts in Miami, New York City,<sup>15</sup> and Los Angeles<sup>16</sup> have permanent interpreter services available for their large and growing Spanish-speaking population. The Bilingual Courts Act, introduced in 1973 by Sen. John V. Tunney (D. Cal.), would specify the circumstances requiring an interpreter in federal court proceedings.<sup>17</sup> Also, a recent conference of judges in California recognized and discussed the court interpreter qualification problem.<sup>18</sup> They unanimously recommended that the California Judicial Council create and keep current a statewide list of qualified interpreters and pointed out the need for interpreter certification. The Bilingual Courts Act contains a similar requirement for federal courts.<sup>19</sup>

## B. DEMOGRAPHICS

Lack of relevant data makes it impossible to determine the numerical need for interpreters. Certain statistics, although varying substantially with each other, imply that the need is significant. One source indicates that over eighteen million people in the United States reported a language other than English as their mother tongue.<sup>20</sup> A United States Census sample survey in 1969<sup>21</sup> indicates that about eighty-two percent of those responding reported English as their mother tongue. This percentage extrapolated to the national population of approximately 200 million would mean that over 36 million people (eighteen percent) had a language other than English as a mother tongue. While the majority of people in this survey reported English as the current language spoken at home (ninety-four percent), the extrapolated balance (six percent) would be about 12 million people who do not speak English as their current language.

In contrast to the ninety-four percent in the above survey who reported English as the language usually spoken in the home, only fifty percent of those giving Spanish as their ethnic origin reported English as their current language. Of persons ten years old and over

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<sup>15</sup>Henderson, U.S. Courts Lack Bilingual Staffs, *Christian Sci. Mon.*, Jan. 29, 1975, at 3a, cols. 4-6 [hereinafter cited as U.S. Courts Lack Bilingual Staffs] (quoting W.L. Sandel, Jr., director of judicial service activities for the American Bar Association).

<sup>16</sup>Interview with Mrs. Phoebe Spence of the County of Los Angeles Superior Court Interpreters Service, in Los Angeles, Aug. 21, 1974 [hereinafter cited as Spence Interview].

<sup>17</sup>REPORT ON BILINGUAL CT. PROC., *supra* note 2, at 1.

<sup>18</sup>Report of The Superior Court Presiding Judges Committee To Conference of California Judges 5 (Sept. 8-11, 1974).

<sup>19</sup>REPORT ON BILINGUAL CT. PROC., *supra* note 2, at 9.

<sup>20</sup>J. FISHMAN, LANGUAGE LOYALTY IN THE UNITED STATES 42 (1966). See also Leibowitz, *English Literacy: Legal Sanction for Discrimination*, 45 NOTRE DAME LAW. 11 (1969).

<sup>21</sup>U.S. Bureau of the Census, Current Population Report, Series P-20, No. 221, "Characteristics of the Population by Ethnic Origin: November 1969," at 6, Table 3 (1971) [hereinafter cited as 1969 Census Report].

who gave Spanish as their ethnic origin, twenty percent could neither read nor write English as compared with five percent for the overall population.<sup>22</sup> Other sources indicate that many were unable to read the very questionnaire upon which we must rely for the basic data in determining the existence of a language problem,<sup>23</sup> yet it is clear that one exists.<sup>24</sup> Nearly 11 million persons of Spanish origin or ethnic identity<sup>25</sup> make Spanish the second most frequently spoken language in this country. It is the largest ethnic minority in the southwestern United States.<sup>26</sup> In California nearly one person in five (approximately eighteen percent or 3.8 million people) is of Spanish origin.<sup>27</sup> Nationally this group lags significantly behind the total population in educational attainment. About nineteen percent of all persons of Spanish origin twenty-five years old and over have completed less than five years of school as compared to four percent for the entire United States population.<sup>28</sup> Such available statistics admittedly lead to tenuous conclusions as to the exact number of persons having English language difficulties. These figures could not indicate the need these people may have for interpreters in a legal proceeding but it should be safe to say that the need must be significant.

### C. PROBLEMS OF INTERPRETING AND TRANSLATING

Interpreting or translating a foreign language is a complex task. The difficulty of finding exact equivalent definitions for legal terms and phrases in the common and civil law systems of English and Spanish-speaking countries has been acknowledged.<sup>29</sup> Some nuances

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<sup>22</sup>*Id.* at 18, Table 12.

<sup>23</sup>In a suit for alleged undercounting of minorities in California the Census Bureau admitted that all questionnaires used in the 1970 census were entirely in English. Yet the Bureau's own statistics indicated the foreseeability that many minorities would experience difficulties in completing or responding to such forms. *Confederacion De La Raza Unida v. Brown*, 345 F. Supp. 909, 911 n.1 (1972).

<sup>24</sup>*Id.* at 911 n.2.

<sup>25</sup>U.S. Bureau of the Census, Current Population Report, Series P-20, No. 267, "Persons of Spanish Origin in the U.S." 1, 3, Table 1 (1974) [hereinafter cited as 1974 Census Report]. The Report defines persons of Spanish origin as including those who reported themselves as Mexican, Puerto Rican, Cuban, Central, or South American, or Other Spanish. All persons who reported themselves as Mexican-American, Chicano, Mexican, Mexicano were combined into one category: Mexican. See also 1969 Census Report, *supra* note 21, at 6, Table 3.

<sup>26</sup>*Foreword to U.S. Commission on Civil Rights, Mexican Americans and the Administration of Justice in the Southwest*, at x (1970).

<sup>27</sup>Mexican-American Population Commission of California, Biannual Census Report, Mexican-American Population in California: April 1973, at 9, 10 (1973).

<sup>28</sup>1974 Census Report, *supra* note 25, at 1.

<sup>29</sup>Since two different systems are involved — the Anglo-American or common law of English-speaking countries and the Roman or civil law of Spain and Spanish America — it is not surprising that exact equivalents are sometimes hard

of language may escape all but expert linguistic interpreters. But those involved in the conduct of a trial should recognize several general problems in interpreting. Written Spanish has relatively few internal variations; most such variations stem primarily from native words for local plants and animals.<sup>30</sup> Variations in spoken Spanish are another matter. People educated in Spanish can converse universally with each other without great difficulty. The problem lies with the uneducated. Differences are bound to exist in pronunciation and meaning of certain words in a language used by over 190 million people, the third largest language group in the world after Chinese and English.<sup>31</sup> In this country, numerous external and individual factors result in wide variations in the Spanish and English a person ultimately learns to speak. Such factors include the amount of education received in either language and the extent to which a family becomes acculturated into American society. Social and financial problems beyond individual control can also affect the amount of education and acculturation attained.

Wholly distinct from linguistics are personal considerations such as pride and a desire to save face or family honor. These are frequently strong cultural aspects which can inhibit many from requesting an interpreter in court or from seeking other legal help.<sup>32</sup> This presents a problem for those who must supervise interpreter personnel, since interpreters themselves may be too proud or too embarrassed to declare that they are unable to translate a given word or phrase. It is much easier to bluff or to pass over the matter. After all, who will know? Interpreters are usually the only bilingual persons in the courtroom.

Among the uneducated, especially in the Southwest, a mixture of English and Spanish words has evolved which cannot be understood in any Spanish-speaking country<sup>33</sup> and which can present a problem for many interpreters. Persons familiar with this border patois readily understand words such as *lonche*, *chansa*, and *brecas* and know that they are frequently used to the exclusion of the Spanish counterparts for "lunch", "chance", and "brakes".<sup>34</sup> Outsiders are confronted with a language complicated by the incorrect use of proper Spanish

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to find. *Preface to L.A. ROBB, DICTIONARY OF LEGAL TERMS: SPANISH-ENGLISH, ENGLISH-SPANISH*, at ix (1955).

<sup>30</sup>MALKIEL, SPANISH LITERATURE, 20 ENCY. BRITANNICA 1122, 1123 (1969).

<sup>31</sup>RAND McNALLY & COMPANY, THE EARTH AND MAN; A RAND McNALLY WORLD ATLAS 125 (1972).

<sup>32</sup>Interview with Judge Arthur Alarcon of the County of Los Angeles Superior Court, in Los Angeles, Aug. 23, 1974.

<sup>33</sup>M. GAMIO, MEXICAN IMMIGRATION TO THE UNITED STATES 231 (Dover ed. unabr. 1971) [hereinafter cited as MEXICAN IMMIGRATION].

<sup>34</sup>*Id.* at 232 for further listing of "border patois". See also R.J. Alfaro, *Diccionario de Anglécismos* (2d ed. 1970) for extensive compendium of similar terms.

words and by the transformation of English words into a jargon resulting in significant differences in meaning. For example, the border version of groceries is *grocerias*; in Mexico *grocerias* mean "foul or insulting epithets".<sup>35</sup>

Occasionally, international political considerations present problems to those who must provide interpreter services. Because of the possibility of conflicting interests, care must be taken not to draw an interpreter from the consular staff of a country from which the defendant may have fled or with which historical and political animosities may exist.

Not only court interpreters but also those selecting them should be aware of these "language" problems. The trial may require more than a mere translation of Spanish if the interpreter and the participant are from truly disparate educational, economic or social backgrounds. An interpreter familiar with the participant's Spanish will facilitate the conduct of the trial by having fewer interruptions in communication and spontaneity. He will also insure a greater likelihood that the person before the court will understand the proceedings.

### III. STANDARDIZED INTERPRETING PROCEDURES

No standardized procedures have yet been formulated by any state for the selection or function of court interpreters. Instructions as to the method of interpretation used and whether to interpret in first or third person voice are matters which vary with each court. Language competency and knowledge of court procedures and terminology also vary with each interpreter.<sup>36</sup> Before these fragmented approaches can be resolved it is necessary to have an idea of the dynamics of interpreting.

#### A. TYPES OF METHODS OF INTERPRETING AND TRANSLATING

Specifically, interpreters are used for oral conversations, whereas translators are used for written communications. Interpreting is of three distinct types: simultaneous, consecutive, and summary. During a trial, all three types or methods can be properly employed. The Report on Bilingual Court Proceedings defined these techniques as follows:

- (a) *Simultaneous* — the type [of interpreting] a competent interpreter can furnish contemporaneously with the spoken English words to the non-English speaking participant. [It implies a verbatim or word-for-word interpretation as near in time to the speaker's words as

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<sup>35</sup>MEXICAN IMMIGRATION, *supra* note 33, at 233.

<sup>36</sup>The Institute for Court Management, *Interpreters Effect on Quality of Justice for Non-English Speaking Americans 20-22* (1973) [hereinafter cited as *Interpreters Effect on Justice*].

possible. Apparently the *Act* does not contemplate requiring the type of verbatim simultaneous interpreting such as furnished by linguistic experts at the United Nations. Such experts would be too costly and too impractical for most court purposes as much court interpreting is more like a running *explanation* of what is being said than a true substitution of Spanish equivalents for the English terms]. Simultaneous translation is required where the testimony relates to facts or events of which the non-English speaking party has personal knowledge and where he can be of assistance to his own attorney.

- (b) *Consecutive* — a method wherein first a question [is asked and translated] and then the answer is [given and] translated. [Interpretation usually follows the completion of a sentence or statement]. This type is most frequently used when the non-English speaking person is on the witness stand. It would also be required where a witness testifies in English about facts within the personal knowledge of the non-English speaking party.
- (c) *Summary* — a method of translation which summarizes the essence of testimony given either at frequent intervals or at the end of the proceedings. The *Bilingual Court Proceedings Bill* would not permit this type of translation in a criminal case. But in a civil case, depending on the nature of the factual issues, there may be certain preliminary testimony which need not be translated word for word. The laying of formal foundations for receipt in evidence of an official report or hospital record may be such a situation, if the party has no personal knowledge of the circumstances under which the report was made or the record kept. Similarly, a summarized translation may be sufficient if the testimony is technical or scientific in nature and the party is not himself a qualified technician or scientist in this particular specialty.<sup>37</sup>

Court instructions may call for verbatim interpretation. This can create a problem for many interpreters too inexperienced or timid to request an alternative for words which have no literal equivalent or words with which they are unfamiliar. Idiomatic expressions are an example of words which are not literally translated. Other examples are many specialized, technical and legal terms and phrases. A realistic approach for giving court instructions on interpreting and translating should recognize these linguistic considerations. A practical limitation is that relatively few translators are available who can provide verbatim United Nations-type translation. A recent article underscored this shortage of skilled interpreters<sup>38</sup> and, as yet, no state-wide comprehensive training program has been conducted to alleviate this problem.<sup>39</sup>

## B. SOURCES OF INTERPRETERS

Most courts obtain foreign-language interpreters from four pri-

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<sup>37</sup>REPORT ON BILINGUAL CT. PROC., *supra* note 2, at 10-11.

<sup>38</sup>U.S. Courts Lack Bilingual Staffs, *supra* note 15.

<sup>39</sup>Interpreters Effect on Justice, *supra* note 36, at 22.



mary sources: court employees hired specifically for the purpose of providing full-time interpreter services; court and other public bilingual employees whose primary function is something other than interpreting; independent privately employed persons who either work on a free-lance basis or work for firms which specialize in providing interpreting and translating services; and private bilingual individuals such as relatives and friends of the accused, students, community volunteers, and inmates.<sup>40</sup> Many of these sources could continue to be utilized under a certification scheme. The courts should retain the discretionary power to waive certification requirements, however, in instances where no certified interpreters are available. The existence of a statewide pool of qualified interpreters should minimize the necessity of a waiver. Uniform standards of qualification and clear delineation of duties and responsibilities would result in more efficient use of such personnel.

### C. INTERPRETER CERTIFICATION

Improvement of interpreter competency is necessary to protect the constitutional rights of non-English speaking participants.<sup>41</sup> Accurate communication of the basic processes of our legal system and the many matters which affect an understanding of these processes illustrate a need to establish minimum standards of competency. Knowledge of general courtroom procedures, legal terminology, and local court rules, in addition to basic written and oral language skills, should be a part of any definition of the functions and qualifications of interpreters.<sup>42</sup> Frequently the only requirement or qualification cursorily made for employing an interpreter is that the person be bilingual. No standards exist to measure competency in either language,<sup>43</sup> yet the ability to interpret accurately can vary significantly among individuals. In addition, organized programs for recruitment of interpreters or for instruction in legal procedures and terminology are lacking.<sup>44</sup> While few states require any demonstration of qualification, California judges have long had discretionary authority to adopt rules for assuring interpreter competency.<sup>45</sup> The County of Los Angeles Superior Court, for example, has evolved an efficient

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<sup>40</sup>*Id.* at 10, 17. See also Interpreter Note, *supra* note 4, at 164, 165.

<sup>41</sup>United States *ex rel.* Negron v. State of New York, 310 F. Supp. 1304, 1309 (1970); State v. Vasquez, 101 Utah 444, 121 P.2d 903 (1942).

<sup>42</sup>See note 49.

<sup>43</sup>Interpreter Note, *supra* note 4, at 165 n.84.

<sup>44</sup>Interpreters Effect on Justice, *supra* note 36, at 22.

<sup>45</sup>CAL. CODE OF CIV. PROC., § 264 (West Supp. 1975) provides rules to assure competency of interpreters:

The judges of each superior and municipal court may adopt rules designed to assure, by requiring an examination or by other suitable means, that any interpreter whose services are used in such court performs such services competently.

system for providing a full-time staff of trained interpreters<sup>46</sup> to hear an average of 1500 cases per week.<sup>47</sup> But there are no minimum standards to guide most courts and, with few exceptions, the selection and appointment of interpreters is a haphazard process left to the discretion of local jurisdictions.<sup>48</sup>

A statewide licensing or certification scheme should indicate or provide a standardized measurement of written and oral competency. Section IV of this article includes suggested considerations for developing such a scheme. Corroboration by qualified individuals in various disciplines can develop appropriate instructional courses in foreign languages necessary for the needs of a given geographical area. Correspondence courses in combination with oral reviews and written examinations would obviate the need for and expense of setting up special schools. Particular attention should be given to oral competency for interpreters, while written skills are of greater necessity in translation. These two skills are not synonymous and any certification which establishes the attainment of minimum standards should make this distinction.

Through statewide coordination of such training programs a pool of qualified interpreters and translators can be made available for various specialties such as criminal law, business law, welfare law, etc. The availability of such a resource would greatly aid those courts and individuals which have occasional need for interpreters but which nevertheless require, deserve, and should have the highest competency.

#### IV. SUGGESTIONS FOR SELECTING AN INTERPRETER<sup>49</sup>

With the exception of New Mexico, courts generally exercise complete discretion in the appointment and assignment of interpreters<sup>50</sup> in accordance with local rules. In the opinion of the author, the following suggestions can supplement current court guidelines for selecting court interpreters until some statewide certification procedure is adopted.

##### A. INTERPRETER QUESTIONNAIRE AND EXAMINATION

Prior to local court certification, the following basic questions of

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<sup>46</sup>Spence Interview, *supra* note 16.

<sup>47</sup>Interview with Mr. Burdette Harris, supervisor head of County of Los Angeles Superior Court Interpreters Service, re: Los Angeles Superior Court Study of the Use of Interpreters, in Los Angeles, Dec. 5, 1974.

<sup>48</sup>Interpreter Note, *supra* note 4, at 157.

<sup>49</sup>See generally *Hearings on S. 1724 Before the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 93d Cong., 2d Sess., 45-60 (Oct. 1973 and Feb. 1974) [hereinafter cited as *Hearings on S. 1724*].

<sup>50</sup>Interpreter Note, *supra* note 4, at 166.

qualification should be answered for each applicant interpreter:

1. What is your current occupation?
2. In what language do you claim to be qualified?
3. Have you ever been certified as competent to serve as a \_\_\_\_\_ language interpreter by this court?
4. Have you ever been certified as competent to serve and have you previously served as a \_\_\_\_\_ language interpreter in any other proceeding (trial, welfare hearing, immigration hearing, etc)? Please specify.
5. Do you claim any proficiency in a sub-category of that language such as a dialect or regionalism? Please specify.
6. Where were you educated and what formal level of education have you attained in \_\_\_\_\_? In English?
7. In which aspect of the \_\_\_\_\_ language do you claim to be proficient (reading, writing, speaking)? Please specify.
8. Relative to the preceding question, in what manner have you maintained this proficiency?
9. Do you have any interests whatsoever in this matter which you believe may conflict with your ability to provide a fair and impartial translation of these proceedings?

In addition to the above questions, a court may wish to follow the example of the Los Angeles Superior Court: for those passing a required written examination, it uses a brief mock trial to determine competence. Because of continued use, the court does not wish its examination to be made public. The examination, however, includes four multiple choice sections covering the following:

1. Spanish to English, to choose the best word in English that would translate the meaning of the Spanish word.
2. Knowledge of Spanish idiom and expression. Also must choose the best translation from several possible.
3. Reading comprehension. A Spanish passage with questions in English about its meaning.
4. Word-meaning section from English to Spanish.<sup>51</sup>

## B. COURT INSTRUCTIONS

In keeping with the *Negron*<sup>52</sup> decision, the interpreter should relate all testimony, instructions and remarks made during court proceeding. It is the author's opinion that the interpreter should also be able to exercise some judgment, with the court's permission, as to

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<sup>51</sup>National Center for State Courts, California Court Services Consolidation Project: Consolidation of Professional Services and Witnesses 22, 23 (Aug. 1974).

<sup>52</sup>United States *ex rel.* *Negron v. State of New York*, 434 F.2d 386 (2d Cir. 1970).

when to use the simultaneous, consecutive, or summary methods because the task often involves explaining what the terms used mean, rather than strict interpreting. Another problem for courts and interpreters frequently is created when interpreters alternate between responding in the third person and first person voice. Some courts instruct interpreters to respond in the first person voice as if they are the person testifying. The confusion begins when the interpreter wishes to speak for himself or when he personally responds to questions specifically addressed to him. He naturally and normally will use the first person voice. The court should instruct the interpreter to use the third person voice for all narration of testimony whenever possible, unless it is otherwise necessary in the context of the oral presentation. The interpreter should have reserved use of the first person voice.

Instructions should vary according to the individual abilities of the interpreter, the particular subject to be interpreted, the use to be made of the translation, the stipulations and agreements of counsel and the wishes of the court. Since few court reporters are trained to record in a foreign language it is advisable to tape record all such testimony. This serves as a court record and would help verify the accuracy of translation if necessary at a later date. Finally, all participants to a proceeding involving a non-English speaking person might be reminded that the pace of trial should be adjusted to insure proper communication without prejudice to that person.

A California superior court judge<sup>53</sup> has suggested that it would be helpful to furnish a specific example of interpreter's instructions. Such instructions will save the court time by providing a basic statement which can be adapted as necessary to individual interpreters. In response, the author offers the following instructions for court interpreters after they have been qualified to the court's satisfaction:<sup>54</sup>

Your function is to interpret the terminology, along

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<sup>53</sup>Interview with Judge Warren Taylor of the County of Yolo Superior Court, in Davis, Calif., Jan. 30, 1975.

<sup>54</sup>The instructions combine certain aspects of the statements of Mr. Louis F. Marquez, official court interpreter for the U.S. District Court for the Western District of Texas, made in *Hearings on S. 1724*, *supra* note 49. They also expand on the oath provisions for interpreters and translators required under various sections of the California Evidence and Penal Codes including CAL. EVID. CODE § 751 (West Ann. 1966) which provides that:

(a) An interpreter shall take an oath that he will make a true interpretation to the witness in a language that the witness understands and that he will make a true interpretation of the witness' answers to questions to counsel, court, or jury, in the English language, with his best skill and judgment.

(b) A translator shall take an oath that he will make a true translation in the English language of any writing he is to decipher or translate.

with its sense and meaning, as used in this court into language which can be understood by the person for whom you are interpreting.

Conversely, you are to interpret such person's statements, along with their sense and meaning, into language which can be understood by this court and by parties to this action. You are to use literal equivalents whenever possible. You must request permission from this court and, upon its granting, you may edit, change or paraphrase a question or response, but only when absolutely necessary to make the exchange intelligible or to convey the intended thought.

You are to suppress your personality, prejudices, political views and mores to the best of your ability, so that participants in this trial are afforded a fair, complete, and accurate understanding of these proceedings. You may request permission of this court to be relieved of your duties to interpret in these proceedings at any time you feel you cannot comply with these instructions for whatever reason. Your competency as an interpreter may be challenged, your interpretation may be impeached, and you may be disqualified in the same manner as experts generally.<sup>55</sup> You are subject to all the rules of law relating to witnesses<sup>56</sup> including criminal and civil liability for willful violation of the instructions of this court.<sup>57</sup>

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<sup>55</sup>CAL. EVID. CODE § 752(West Ann. 1966):

(a) When a witness is incapable of hearing or understanding the English language or is incapable of expressing himself in the English language so as to be understood directly by counsel, court, and jury, an interpreter whom he can understand and who can understand him shall be sworn to interpret for him.

(b) The interpreter may be appointed and compensated as provided in Art. 2 (commencing with § 730) of ch. 3 [of this code]. [The] Code comment on Subdivision (b) above by the Law Revision Commission refers to the general authority of a court to appoint expert witnesses, since interpreters are treated as expert witnesses and subject to the same rules of competency and examination as are experts generally.

<sup>56</sup>CAL. EVID. CODE § 750 (West Ann. 1966):

A person who serves as an interpreter or translator in any action is subject to all the rules of law relating to witnesses.

<sup>57</sup>CAL. PEN. CODE § 118 (West Ann. 1970):

Every person who, having taken an oath that he will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which such testimony, declarations, depositions, or certification is permitted by law under penalty of perjury and

## V. CONCLUSION

The sixth amendment guarantees a right to be confronted with adverse witnesses. The United States Second Circuit Court, in *United States ex rel. Negron v. State of New York*,<sup>58</sup> construed it to mean that non-English speaking defendants in a criminal action must be provided with a competent translation of the proceedings. Although the decision does not bind other courts outside the Second Circuit it has "important precedential value".<sup>59</sup> The United States Commission on Civil Rights strongly supports the Bilingual Courts Act which expressly extends the right of translation to both civil and criminal court actions.<sup>60</sup>

The State of California has requested that its Judicial Council undertake a comprehensive research study to identify and evaluate the language needs of non-English speaking citizens and residents at every stage of criminal and civil proceedings.<sup>61</sup> The study also calls for an identification of the tasks and responsibilities of interpreters at various stages of the judicial process and for the establishment of standards of interpreter qualifications and competency. The Council would have responsibility for the design and conduct of interpreter training programs.<sup>62</sup> Funding has been obtained for an initial one-year study to begin April 1, 1975.<sup>63</sup>

The establishment of statewide minimum qualifications and standards for interpreters should insure the availability of personnel competent to protect this constitutional right. Each state must make a reasonable effort to discharge this responsibility.

Certification of interpreters<sup>64</sup> would create a pool of qualified individuals in an important aspect of our legal process. Their function has not always been clearly defined or understood, and to date they have played a relatively minor role in trial procedure. But a basic

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wilfully states as true any material matter which he knows to be false, is guilty of perjury.

CAL. PEN. CODE § 126 (West Ann. 1970):

Perjury is punishable by imprisonment in the State Prison not less than one nor more than fourteen years.

<sup>58</sup>434 F.2d 386 (2d Cir. 1970).

<sup>59</sup>*Id.* at 387.

<sup>60</sup>*Hearings on S. 1724, supra* note 49, at 169.

<sup>61</sup>A. CON. RES. NO. 74 — RELATIVE TO THE JUDICIAL COUNCIL, CAL. LEG. RES., CH. 179 (1973-1974).

<sup>62</sup>*Id.*

<sup>63</sup>The Administrative Office of the Courts for the Judicial Council of California has obtained a \$94,000 grant from the California Council on Criminal Justice to fund a one year study entitled "Language Needs of the Non-English Speaking Citizens". The successful bidder for the contract was the Sacramento Office of Arthur Young and Co., an accounting and management consulting firm with experience in court studies throughout the country.

<sup>64</sup>*See generally* National Conference of Christians and Jews, Justice System Interpreter Certification: Task Force Report (1973); and REPORT ON BILINGUAL CT. PROC., *supra* note 2, at 1.

change in attitude toward the utilization of interpreters is presaged by an increasing awareness of the constitutional implications which attach when a non-English speaking individual comes before the court.

*Fernando Rochin Zazueta*

### **PREFACE TO LAYMAN'S GLOSSARY OF SELECTED CRIMINAL LAW TERMS**

The accompanying Glossary is comprised of terms chosen primarily from the criminal law. Its purpose is to re-state as nearly as possible certain legal terms of art which have particular technical meanings into non-legal phraseology. A simplified non-technical restatement facilitates translating into words and phrases which can be more readily understood by those Spanish-speaking persons in court who often do not have the formal education necessary to understand definitions found in most bilingual reference works.

Spanish interpreters who themselves may lack a wide understanding of legal terms in either language can use this Glossary to gain a better idea of the meaning intended by the courts when a particular term of art is used. No claim is made that the definitions provided herein are an exposition of the law. All definitions are paraphrases or the author's conception of how they may best be expressed to maximize comprehension.

The primary English references were to Black's Law Dictionary (4th ed. 1968); A Glossary of Criminal Justice Terms, Project Draft II, National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration, Department of Justice (1973); Law and the Courts, American Bar Association (1974); and Webster's Third New International Dictionary (unabr. 1966).

The references in Spanish were to Robb's Spanish-English Dictionary of Legal Terms (1955); Velázquez Spanish and English Dictionary (1959); Diccionario Porrúa de la Lengua Española (1975); and Diccionario de Sinónimos y Contrarios (1971).

The Glossary is prepared primarily to help English-speaking persons find the equivalent Spanish translation for certain legal terms likely to be encountered during a criminal trial. The English terms are in capitals arranged in alphabetical order with the Spanish equivalent, also in capitals, immediately following each English term and definition. Sub-terms within each definition are italicized.

The Spanish translation was completed with the assistance of Ms. Josefina Durán. Although not phrased in *barrio* terms, the definitions are in a non-technical and informal Spanish which can be used in most situations calling for the explanation of the general meaning of English criminal law terms.

*Fernando Rochin Zazueta*

**LAYMAN'S GLOSSARY OF SELECTED CRIMINAL  
LAW TERMS**

**GLOSARIO INFORMAL DE EXPRESIONES LEGALES**

**ACCUSED.** A person charged with having committed a crime or punishable offense.

**ACUSADO.** Una persona a quien se denuncia por haber cometido un crimen o delito castigable.

**ACQUIT.** A court declaration that a person is not guilty of the crime charged after the evidence against him has been considered.

**ABSOLVER.** Una declaración por la corte de la inocencia de un acusado después de haber considerado la evidencia en su contra.

**ADMISSION.** A voluntary oral or written statement made by a person or his lawyer of the existence of a fact or circumstance from which guilt may be inferred. It only tends to prove the offense charged: it is not a confession of guilt.

**ADMISIÓN.** Una declaración voluntaria ya sea verbal o por escrito, de una persona, o su abogado, de las circunstancias que parecen apoyar el lado contrario. No es confesión de culpabilidad.

**AFFIDAVIT.** A written statement of facts made voluntarily under oath, taken before an officer having authority to administer such oath, usually a notary public. The opposing side has not had a chance to ask questions of the affiant (the person giving the affidavit) but because the statement was made under oath, it may be accepted as evidence in court.

**DECLARACIÓN JURADA.** Una declaración de hechos dada voluntariamente y bajo juramento a un oficial tal como un notario público que tiene la autoridad de recibir juramentos. Siendo que la declaración es hecha bajo juramento puede ser aceptable como evidencia en una corte aunque el lado contrario no haya tenido oportunidad de hacerle preguntas directamente.

**AFORETHOUGHT.** Premeditation or thinking of doing something before actually doing it.

**CON PREMEDITACIÓN, DELIBERADO.** El pensar anticipadamente y con deliberación de hacer algo antes de realmente hacerlo.



**ALIAS.** Having or being known by more than one name.

**NOMBRE POSTIZO, POR OTRO NOMBRE** (voz latina). El tener o ser conocido por nombres además del propio.

**ALIBI.** Means that the accused was at a different place than where the crime of which he is accused was committed such that he could not possibly be the one that committed it.

**COARTADA, DEFENSA** (voz latina). Cuando un acusado tiene pruebas de no haber estado en un lugar al tiempo de que se trata, de manera que él no podría haber participado en lo que se le acusa.

**ANSWER.** A formal written statement by a defendant which either denies the plaintiff's charges or allegations or confesses some or all of them but alleges a defense. It can also mean the reply to a question or interrogatory.

**CONTESTACIÓN A LA DEMANDA.** La respuesta formal y escrita por el acusado que niega parte o todas las acusaciones del acusador, o confiesa a algunos de ellos pero alega la defensa. Puede también significar la respuesta a una pregunta o interrogatoria.

**APPEAL.** It generally refers to a complaint made to a higher court to review a trial which took place in a lower court. The higher court is asked to determine if a mistake was made concerning facts in the case or in applying the law to the case.

**APELACIÓN.** Cuando un caso se lleva de una corte a otra corte superior para que se determine si se cometió un error en los hechos o en la aplicación de la ley.

**APPEARANCE.** A formal proceeding by which the defendant submits or presents himself to the court.

**PRESENTARSE.** Un proceso formal donde el acusado se presenta ante la corte.

**ARRAIGNMENT.** The presentation of the accused to the court where he is formally informed of the charges being brought against him. At this time he can plead guilty or not guilty to the crime charged (his lawyer must be present to advise him).

**ACUSACIÓN.** La presentación del acusado a la corte en donde formalmente se le informa de lo que se le acusa. El acusado tiene el derecho de ser acompañado por su abogado y declararse inocente o culpable.

**ARREST.** Taking a person into official custody who is suspected of a crime.

**APRESAR, ARRESTAR.** Detener oficialmente a una persona que se sospeche haya cometido un crimen.

**ARREST WARRANT.** A written order by a magistrate for the arrest of the person named in it, who is accused of an offense.

**MANDAMIENTO DE ARRESTO.** Una orden escrita por el magistrado para la detención de un sospechoso.

**ASSAULT.** Intentionally injuring or threatening to and having the ability to injure another person. Usually a deadly weapon is not involved.

*Aggravated Assault.* Assault with the intention of committing an additional crime such as rape, murder or robbery. This class includes assault with a dangerous or deadly weapon.

**ASALTO SENCILLO.** Cuando una persona con habilidad de lastimar, amenaza o lastima a otros. Por lo regular este crimen no incluye asalto con armas.

*Asalto Grave.* Asalto con la intención de cometer adicionalmente un crimen grave como rapto, asesinato, o robo. Asalto grave incluye asalto con arma mortífera.

**ATTORNEY AT LAW.** A person who is authorized to represent people in the trying of cases or suits in court. A lawyer or counsel.

**ABOGADO, LICENCIADO.** Una persona autorizada y preparada para representar a otras personas en juicios o pleitos de corte. Un consejero con licenciatura en derecho.

**ATTORNEY GENERAL.** The chief law officer in both federal and state governments. His office represents the government and its agencies in court. His office also represents the people of the state and assists district attorneys in the prosecution of criminal cases.

**PROCURADOR GENERAL, FISCAL.** El abogado principal del gobierno federal y del estado. Su oficina representa al estado y agencias del estado en la corte. Su oficina representa también a la gente del estado, o sea al pueblo, y asiste a los fiscales o sea abogados de distrito en las prosecución de casos criminales.

**BAIL.** Posting bail means leaving a certain sum of money with the court so that you can be released from jail until your presence is needed in court. The money is supposed to serve as a guarantee that you will come back when called to appear in court, at which time your money will be returned to you.

**FIANZA.** El depósito en la corte de cierta cantidad de dinero a cambio de la libertad temporal de una persona. Éste sirve como garantía que la persona se presentará ante la corte en cierta fecha. Al presentarse se le devuelve su dinero.

**BAIL BOND.** There are people who will put up bail for you at a price. They will usually ask you or someone you know with property to sign a contract for the amount of the bond. If you don't show up in court the co-signer will be held responsible for the bond.

**BONO DE FIANZA.** El contrato por el préstamo de dinero para la fianza. Existen compañías que se especializan en esto, cobran ciertos intereses y por lo regular piden que un propietario firme el contrato poniendo su propiedad como garantía. Así, si el acusado no se presenta ante la corte cuando debe, se puede cobrar la propiedad.

**BATTERY.** It includes assault and the actual use of force or violence in injuring another person.

**AGRESIÓN.** Asalto y el uso de violencia o fuerza para lastimar a una persona.

**BENCH WARRANT.** A written order by the court, as distinguished from a warrant issued by a magistrate. It may be used for the arrest of a person. It is also used to bring in a witness by force who does not obey a subpoena to appear in court voluntarily.

**AUTORIZACIÓN DE JUEZ PARA DETENCIÓN.** Una orden escrita por el juez para la detención de una persona o para obligar a un testigo que testifique después de haberse negado a hacerlo voluntariamente.

**BINDING OVER.** The act by which a court requires a person to agree to appear in court for trial at a later date. It may require that the person furnish bail to insure his appearance in court.

**PONER BAJO FIANZA O PROPIA RESPONSABILIDAD.** Cuando la corte exige que un individuo acepte la responsabilidad de personalmente aparecer ante la corte o requiere que ponga fianza como comprobante que aparecerá.

**BURDEN OF PROOF.** The side who has to prove a fact or claim by presenting enough evidence to establish it as a true fact or claim has the burden of proof.

**OBLIGACIÓN DE COMPROBAR.** El lado a quien le corresponde presentar la evidencia suficiente para establecer los hechos verdaderos. Se dice que ese lado tiene la obligación de comprobar.

**BURGLARY.** Entering a house or a building in which the offender has no right to be, with the intent of committing a felony or a theft.

**ROBO O DELITO GRAVE DENTRO DE UN EDIFICIO.** El entrar a un edificio en donde el ofensor no tiene negocios o derechos con la intención de cometer robo o delito grave.

**CAPITAL PUNISHMENT.** A sentence of death for the convicted offender.

**PENA DE MUERTE.** El castigo mayor para un ofensor condenado.

**CASE.** A general term for a statement of facts or circumstances presented to a court for determination of a controversy between parties. Also known as a suit or action.

**CAUSA, CASO, JUICIO, PLEITO.** Una expresión general en donde se presentan ante la corte hechos o circunstancias sobre los cuales dos o más partes (lados) están en desacuerdo.

**CHANGE OF VENUE.** Changing a trial from one county or district to another county or district. This is frequently requested if it is thought that a defendant may not get a fair and impartial trial where the case was originally started.

**TRASLADO DE JURIDICCIÓN.** Cambiar un juicio de un condado o distrito a otro para que éste pueda ser justo e imparcial.

**CHARGE.** An accusation or complaint against a person of having committed a specific crime.

**CARGO, ACUSACIÓN.** Una acusación contra una persona de haber cometido un crimen específico.

**CIRCUMSTANTIAL EVIDENCE.** Indirect evidence of facts or circumstances from which the existence or non-existence of a fact may be inferred.

**PRUEBA CIRCUNSTANCIAL** La evidencia indirecta de circunstancias de donde se pueda concluir la existencia o inexistencia de un hecho.

**CITATION.** A written order requiring the appearance of a person at the time and place named. It may be issued instead of taking the person under arrest. If he fails to appear, then an arrest warrant may be issued.

**CITACIÓN.** Una orden escrita pidiendo la presencia de una persona en cierta fecha y lugar. Si la persona no aparece, se puede dar una orden de arresto.

**COMMUTATION.** The lessening of a punishment as from death to life imprisonment.

**COMNUTACIÓN, CAMBIO O AJUSTE DE SENTENCIA.** Reducir un castigo. Por ejemplo, reducir a cadena perpetua o sea encarcelación por vida el castigo de pena de muerte.

**COMPLAINT.** An affidavit sworn before a judge by the victim of an offense or by a police officer stating that a specific person has committed a specific offense.

**DEMANDA.** Una declaración jurada ante el juez por la víctima o por un policía indicando que cierta persona ha cometido cierto crimen.

**CONFESSION.** Admitting guilt of the crime charged, either orally or in writing.

**CONFESIÓN.** La admisión, verbal o por escrito, de la culpabilidad de un crimen.

**CONTINUANCE.** The postponement of a trial granted by the court until some future date.

**CONTINUACIÓN, APLAZAMIENTO.** Cuando la corte pospone la causa para otra fecha.

**CONVICTION.** The result of a criminal trial which finds the defendant guilty of the crime charged.

**CONVICCIÓN, CONDENA.** El resultado de una causa en donde se encuentra culpable al acusado.

**COUNSEL.** Another name for lawyer or attorney.

*Court Appointed.* If a person can't afford to pay for a private attorney, the court will appoint one to represent him in court at no cost. Also known as a public defender.

**CONSEJERO.** Otra forma de llamar a un abogado o licenciado. *Consejero Nombrado por la Corte.* Cuando una persona es indigente y no tiene con qué pagar a un abogado, la corte nombra a uno que lo defienda. A éste se le dice defensor público.

**COUNT.** The same as a charge or accusation of having committed a specific crime. A defendant may be on trial for several "counts", each charging a distinct offense.

**CARGO.** Otra forma de decir demanda o acusación.

**COUNTY JAIL.** A building run by a county to detain people who have been convicted of minor crimes or who are awaiting trial.

**CÁRCEL DEL CONDADO.** Un edificio bajo el mando del condado donde se detiene a aquellos que se les ha declarado culpables o que esperan causa.

**CRIME.** A general term which refers to violation of the rights of all people and which is punishable by death, imprisonment or fine. This is why the district attorney as a representative of the people prosecutes violations of the penal laws. The district attorney can prosecute an offender even though the victim prefers to drop the charges.

**CRIMEN, DELITO.** Una expresión que indica la violación de ciertos derechos del pueblo y que es castigable ya sea por multa, prisión o muerte. Es por eso que el abogado de distrito (fiscal o abogado fiscal) como representante del pueblo procesa violaciones de las leyes penales. El abogado de distrito (fiscal) puede procesar a un acusado aunque la víctima retire los cargos.

**DAMAGES.** A person who violates the rights of an individual, as distinguished from the rights of all people, can be charged by a court to pay that person money for such violations.

**DAÑOS Y PERJUICIOS.** Cuando alguien viola los derechos de un individuo la corte puede ordenar que se le pague a la víctima cierta cantidad por la violación.

**DEFAULT.** Failure to appear for trial may result in a judgment for the other side.

**INCUMPLIMIENTO.** Si una persona deja de presentarse ante la corte para su juicio, el otro lado puede ganar sólo por el incumplimiento.

**DEFENDANT.** The person who is being sued or is charged with a crime.

**ACUSADO, DEMANDADO.** La persona a quien se le acusa de un crimen.

**DEFENSE.** A justification or support found in the law or in fact which protects the defendant from the plaintiff's charges.

**DEFENSA.** La justificación o apoyo legal que protege al acusado de los cargos del acusador.

**DEGREE.** A specific crime may be classified into several grades of guilt, according to the circumstances under which the crime was committed.

**GRADO.** Según las circunstancias en que se cometió un crimen, ese crimen se puede clasificar en varios grados de culpabilidad.

**DEPOSITION.** Out-of-court testimony of a person taken in writing and under oath at which deposition the other side has a chance to ask questions of the deponent. Unlike an affidavit, in a deposition the other side is present and has to ask questions of the person making the written declaration under oath.

**DECLARACIÓN, CONFESIÓN JUDICIAL.** Un testimonio escrito y hecho bajo juramento pero fuera de la corte. El otro lado tiene oportunidad de hacerle preguntas al que hizo el testimonio. Esta declaración es distinta a la declaración jurada (afidavit) ya que en la declaración jurada el lado contrario no está presente para hacerle preguntas a la persona haciendo la declaración.

**DETAINDER.** A lawful order for the continued confinement of a person already in custody, because he has been charged with committing another separate offense and must be held for prosecution of that other offense.

**ORDEN DE DETENCIÓN.** Una orden para que se siga deteniendo a un acusado por razón de haber encontrado otro delito por el cual se le tiene que procesar.

**DISCHARGE.** The lawful release of a person from any supervision of a criminal justice agency.

**LIBERACIÓN, DESCARGO.** Poner en libertad de cualquier supervisión legal.

**DISMISS.** To dismiss a suit or action is to end it.

**DESECHAR, DAR POR TERMINADO.** Dar por terminada una causa o pleito legal.

**DISTRICT ATTORNEY.** Each county has a chief attorney and deputies whose job it is to prosecute people who break the law.

**ACUSADOR PÚBLICO, EL ABOGADO FISCAL, ABOGADO DE DISTRITO.** Cada condado tiene un acusador público y diputados quienes procesan a todo aquel que va contra la ley.

**DIVERSION.** The decision of criminal justice authorities to not prosecute or to stop prosecution of an alleged offender. An individual may be asked to participate in a treatment or supervisory program in exchange for this agreement not to prosecute.

**DESVIACIÓN (del sistema judicial).** La decisión de las autoridades de dejar de procesar contra un individuo a cambio de que participe en un plan de tratamiento bajo supervisión.

**DUE PROCESS.** The constitutional guarantee of giving every person a fair trial within the rules and procedures of the legal system.

**PROCESO LEGAL, DEBIDO PROCEDIMIENTO.** La garantía constitucional que dice que cada persona tiene derecho a un juicio justo según las leyes del sistema legal.

**ENTRAPMENT.** An act by police officers or government agents to get a person to commit a crime he otherwise had not thought of doing, so that they can arrest him.

**ENTRAPAR, HACER TRAMPA.** Cuando un policía o agente del gobierno hace trampa para conseguir que un individuo cometa un crimen para arrestarlo.

**EQUAL PROTECTION.** A constitutional guarantee that everyone gets the same treatment under the law as anybody else under the same circumstances.

**PROTECCIÓN IGUAL BAJO LA LEY.** La garantía constitucional que permite que bajo la ley, y dadas las mismas circunstancias, cada persona reciba la misma protección.

**ESTOPPEL.** A person's own acts, or acceptance of facts, which prevent him from later denying them.

**IMPEDIMENTO DE CONDUCTA.** La forma de proceder o la forma de aceptar ciertos hechos que más tarde, aunque se quiera, no se pueden negar.



**EVIDENCE.** Anything legally presented in court which proves or tends to prove a person's claim or charge.

**PRUEBA, EVIDENCIA.** Todo aquello presentado ante una corte que inclina a probar cierto cargo o demanda.

**EXCLUSIONARY RULE.** A court ruling which throws out of the case any evidence which was obtained illegally.

**REGLA DE EXCLUSIÓN.** Regla de corte que excluye de un pleito toda evidencia obtenida ilegalmente.

**EXPERT WITNESS.** A person with special skills, training, or knowledge of a subject who is called upon to answer questions about that subject.

**TESTIGO EXPERTO.** Una persona con especialidad en cierto tema que da su testimonio de experto ante la corte.

**EXPUNGE.** To completely remove some information from all existing official criminal justice records.

**BORRAR, CANCELAR.** Quitar completamente cualquier información de los archivos (records) legales y oficiales.

**EXTENUATING CIRCUMSTANCES.** Render a crime less aggravated or less hateful than it would otherwise be.

**CIRCUNSTANCIAS MODIFICANTES.** La modificación del grado de un crimen por razón de ciertas circunstancias.

**EXTRADITION.** This state may ask another state to turn over a particular individual who is wanted here for the prosecution of a crime he committed in this state. If it honors the request the other state will issue a fugitive warrant for his arrest.

**EXTRADICIÓN.** Traer a un acusado de otro estado. Un estado le pide a otro que haga un mandamiento de arresto para un individuo por cierto crimen. El individuo entonces es detenido y llevado al estado en donde ocurrió el crimen.

**FACT.** A circumstance, event or occurrence that actually takes or took place.

**HECHO.** Una acción o algo que ocurrió sin duda alguna.

**FALSE ARREST.** Any unlawful physical restraint of another's liberty, whether in prison or elsewhere.

**ARRESTO ILEGAL.** La detención ilegal de un individuo.

**FELONY.** A more serious crime than a misdemeanor. It is punishable by imprisonment in a penitentiary for more than one year, or by death if it is a capital offense.

**DELITO GRAVE.** Un crimen mayor que merece castigo de prisión por más de un año o pena de muerte.

**FUGITIVE.** A person who runs away from a state where he is wanted for questioning about charges filed against him.

**FUGITIVO, PRÓFUGO.** Una persona que huye de donde formalmente se le acusa de algún crimen.

**FUGITIVE WARRANT.** An arrest warrant issued by one state for a person in that state who has been charged with a criminal offense in another state. The counterpart of extradition.

**MANDAMIENTO DE ARRESTO DE FUGITIVO.** Un mandamiento de arresto en respuesta a una solicitud de otro estado, que busca al acusado.

**GRAND JURY.** A body of persons who receive complaints and accusations in criminal cases and hear what evidence the district attorney has on a suspect to determine whether to bring the suspect to trial under a bill of indictment. It is distinguished from a regular or petit jury which hears the trial itself to decide whether the suspect is guilty or innocent of the crime charged.

**GRAN JURADO, JURADO MAYOR.** Un grupo de personas quienes al escuchar testimonio del abogado de distrito determinan si traer o no a un sospechoso a juicio. Este grupo se distingue del jurado común que al escuchar testimonio determina la inocencia o culpabilidad del acusado.

**GUILTY.** A person may confess to having committed the crime by pleading guilty, or a jury or judge may find him guilty of having committed the crime based on the evidence at trial.

**CULPABLE.** Culpabilidad de un delito se puede determinar en varias formas. El acusado admite ser culpable o el juez o jurado lo determinan culpable basado en la evidencia presentada en el juicio.

**HABEAS CORPUS.** A written judicial order directed to the person detaining a prisoner to bring him into court to determine whether such prisoner has been denied his liberty without due process of law.

**HABEAS CORPUS** (voz latina). Una orden judicial escrita y dirigida al que aprisiona a otro para que se presente ante la corte en donde se determina si el prisionero ha sido detenido bajo el debido proceso de la ley.

**HEARING.** Similar to a trial without a jury in which issues of fact or law are tried before a judge or magistrate and may include evidence and attorneys' arguments on the case.

*Preliminary Hearing.* Not a trial to determine guilt or innocence but more a court procedure to determine whether there is enough evidence to either discharge the accused or hold him to answer to the charges.

**AUDIENCIA.** Parecido a un juicio sin jurado en donde los hechos y procedimientos legales son presentados ante un juez o magistrado. Además de la presentación de evidencia la audiencia puede incluir presentaciones por abogados de los dos lados.

*Audiencia Preliminar.* Una audiencia en donde sólo se determina si hay bastante evidencia contra un acusado para tener causa. En esta audiencia no se determina la inocencia o culpabilidad del acusado.

**HEARSAY.** When a witness testifies as to what he heard others say. It is not evidence of what the witness knows or has experienced so that he cannot be questioned about the truth of the statements since all he can do is repeat them. For this reason such statements are often not admitted into evidence.

**PRUEBA DE OIDAS, EVIDENCIA POR REFERENCIA.** Cuando un testigo da testimonio de algo que se dice o que oyó. Ya que no es algo de experiencia propia, sino de otros, muchas veces no se considera testimonio válido para usarse como evidencia ante la corte.

**HOMICIDE.** A neutral word that indicates the killing of a human being without giving any idea of whether the killing was excusable or felonious.

*Excusable Homicide.* The killing of a human being in self-defense is not a crime.

*Felonious Homicide.* The wrongful killing of a human being is a serious crime punishable by death or imprisonment. There are two degrees, manslaughter and murder.

**HOMICIDIO.** La muerte de un individuo a manos de otro u otros.

*Homicidio Inculpable.* Dar muerte a un individuo en defensa propia. No se considera crimen.

*Homicidio por Culpa.* El acto injusto de dar muerte a un individuo; lleva castigo de prisión o muerte. Hay dos grados de homicidio — 1) homicidio sin premeditación; 2) asesinato o sea homicidio premeditado.

**HOSTILE WITNESS.** When a witness is called to testify for a party but instead testifies against him. The attorney calling the witness can then cross-examine that witness as if he had been called by the other side.

**TESTIGO DESFAVORABLE.** Cuando un testigo viene a dar testimonio a favor de alguien pero se vuelve en su contra. El abogado quien lo ha llamado entonces puede contrainterrogarlo como si fuera un testigo contrario.

**HUNG JURY.** A jury whose members can't agree on a verdict of whether the accused is guilty or not guilty of the charges against him.

**JURADO SIN VEREDICTO.** Un jurado que no logra llegar a un acuerdo sobre la inocencia o culpabilidad del acusado.

**IMMUNITY FROM PROSECUTION.** A court or a grand jury will sometimes promise not to prosecute a person for any self-incriminating statements he may make in hopes that what he says will lead to the arrest of a major crime figure or perhaps help break a crime ring.

**INMUNIDAD DE PROSECUCIÓN.** Cuando la corte o jurado promete no procesar contra una persona por su testimonio en espera de que éste los lleve a encontrar la persona o personas clave.

**IMPEACHMENT OF WITNESS.** Sometimes the testimony of other witnesses can show that one witness is either lying or is the kind of person who should not be believed.

**DESACREDITACIÓN DE TESTIGO.** Se puede desacreditar a un testigo cuando otros testigos muestran que está mintiendo o que es el tipo de persona a la cual no se le puede creer.

**INDICTMENT.** The Attorney General or a district attorney may bring evidence to a grand jury for its determination of whether the person named should be prosecuted for the crime charged. If the grand jury thinks that there should be a prosecution it issues a True Bill.

**ACUSACIÓN POR EL GRAN JURADO.** El abogado de distrito o procurador general puede mostrar evidencia al gran jurado para que determine si el acusado se debe procesar. Si el gran jurado cree que debe ser procesado, decreta una acusación aprobada por el gran jurado.

**INSANITY (in the legal sense).** Refers to the defendant's mental inability to distinguish between right and wrong conduct, where he cannot understand the nature and consequences of his acts so that he does not have the ability to keep from committing a particular crime.

**LA LOCURA (en el sentido legal).** La incapacidad mental del acusado de distinguir entre la buena y mala conducta. Sin la habilidad de poder entender las consecuencias de sus hechos, no puede razonar y dejar de cometer ciertos delitos.

**INTENT.** Here the person's mind is fully aware of what's going on. He knows of the nature and consequences of what he is about to do and he does it. He purposely uses a particular means to get a particular result.

**INTENCIÓN.** Cuando una persona está mentalmente alerta y aun sabiendo las consecuencias de cierto hecho, lo hace. Se propone a obrar en cierta forma para conseguir cierto resultado.

**INTERROGATORIES.** A series of written questions of a witness whose testimony is taken on deposition. A person who favors your side as a witness and is called by your attorney will be asked direct interrogatories by your side. The other side will ask your witness cross interrogatories with hopes of finding some inconsistency in the testimony or perhaps discovering some way to challenge his credibility.

**INTERROGATORIAS.** Una serie de preguntas por escrito dirigidas a un testigo. El abogado de cada lado tiene derecho de hacerle preguntas.

**INVOLUNTARY MANSLAUGHTER.** Criminal homicide committed through recklessness or negligence. It is an unlawful killing of a human being without the malice or intent that is found in murder.

**HOMICIDIO INVOLUNTARIO.** Homicidio (muerte) causado por negligencia, sin malicia o intención.

**IRRESISTIBLE IMPULSE.** A sudden inclination to commit a crime which cannot be resisted or overcome by the person because insanity or mental disease has destroyed his power of self-control.

**IMPULSO IRRESISTIBLE.** Un impulso de repente para cometer un crimen y que por locura o enfermedad mental no se puede controlar.

**JOYRIDING.** The criminal offense of using somebody else's motor vehicle without his consent, but without the intent of stealing it.

**POSESIÓN TEMPORAL DE VEHÍCULO AJENO PARA PASEO.** El delito de tomar un vehículo ajeno sin intención de quedarse con él sino con el sólo propósito de pasearse en él.

**JUDGE** This is the officer who administers the law and controls the proceedings of a trial in court. A judge is sometimes referred to as "the court".

**JUEZ.** El oficial de la corte que administra la ley y controla los procesos de juicio.

**JUDGMENT.** The official decision or sentence of a court after hearing both sides present their case. Sometimes "adjudication" is used and means the same thing.

*Default Judgment.* It is given when either side fails to appear in court. The judgment will be in favor of the side that shows up.

*Summary Judgment.* It is made by the judge without going through a jury trial.

**SENTENCIA, JUICIO.** La decisión o sentencia decretada por el juez después de que ambos lados hayan presentado su causa.

*Sentencia por Incumplimiento.* Cuando un lado no se presenta ante la corte en la fecha indicada pierde el caso por incumplimiento. Sin importar qué lado tiene la razón, la causa la gana el lado que se presenta.

*Sentencia Sumaria.* La decisión o sentencia decretada por el juez sin que la causa haya pasado ante el jurado.

**JUMPING BAIL.** Usually one of the conditions for letting a prisoner out of jail after his arrest but before trial is that he put up bail money as a guaranty that he will appear in court on a given date. If he fails to appear, he loses his right to get the bail money back and a bench warrant will be issued for his arrest.

**QUEBRAR LA FIANZA.** Cuando una persona no aparece ante la corte en la fecha indicada y anda en libertad de fianza, pierde la cantidad de la fianza y además el juez decreta una autorización para su detención.

**JURISDICTION.** Many courts only have authority to hear cases within a specified geographic area which is called the area of jurisdiction. Another way in which the word is used is that certain courts have authority to hear only certain types of cases, *e.g.*, a criminal case is not within the jurisdiction of a traffic court.

**JURISDICCIÓN.** Este término se usa en dos formas: 1) el territorio geográfico señalado en que la corte tiene autoridad, y 2) la restricción de una corte de gobernar sobre cierto tipo de casos. Por ejemplo, un caso de homicidio no está dentro de la jurisdicción de una corte que determina infracciones de tránsito.

**JUROR.** A person selected from the community to hear a case and decide which side to believe based upon the evidence presented in court. A group of similarly selected persons form a jury.

**MIEMBRO DEL JURADO.** Una persona de la comunidad seleccionada para servir como miembro del jurado. Esta persona tiene que ser imparcial y basar su decisión en la evidencia presentada de acuerdo con las leyes.

**JURY.** A group of jurors who are sworn to be free of any bias in favor of or against either party in the trial. Their decision of whether someone is guilty or not guilty is called a verdict. The right to have a trial heard by a jury is guaranteed by the Federal Constitution.

**JURADO.** Un tribunal compuesto de personas de la comunidad que juran ser justos en determinar la culpabilidad o inocencia del acusado. La constitución federal extiende el derecho de tener juicio con jurado.

**JURY INSTRUCTIONS.** Before the jury meets in a room to decide what the verdict shall be on a given case the judge will tell them the rules and principles of law which they must follow in reaching their decision.

**INSTRUCCIONES AL JURADO.** Antes de que el jurado se reúna para tomar su decisión, reciben instrucciones del juez sobre las leyes en las cuales deben basar su decisión.

**LARCENY.** Taking somebody else's property without force and without his consent with the intent of permanently depriving him of it.

**LATROCINIO, RATERÍA, HURTO DE COSAS DE POCO VALOR.** Tomar bienes de otro sin intenciones de regresarlos pero sin uso de fuerza.

**LAWYER.** A person who represents people in trying cases in court. An attorney at law or counsel.

**ABOGADO, LICENCIADO.** Una persona que se especializa en aconsejar y defender a otro ante una corte.

**LEADING QUESTION.** A question asked of a testifying witness phrased in such a way that the answer is suggested by the way it is asked.

**PREGUNTA QUE INSINÚA LA RESPUESTA.** Una pregunta dirigida a un testigo y hecha en tal forma que insinúa la respuesta.

**LIE DETECTOR.** A machine that measures changes in a person's blood pressure, breathing, and perspiration while he is asked questions relating to an alleged crime. The machine is supposed to be able to detect distinct physical changes depending on whether the person has lied or told the truth.

**DETECTOR DE MENTIRAS.** Una máquina que mide el sudor, presión de sangre, y respiración de un individuo mientras se le hacen ciertas preguntas sobre un crimen. Al registrar cambios marcados, la máquina puede determinar si el individuo está mintiendo.

**LINE UP.** A witness or a victim who may not know the criminal suspect but thinks he may be able to identify him, may be asked to review the display of a group of persons assembled by the police. A suspect may be identified from among those in the line up or display and there are definite lawful standards and procedures for conducting one.

**FILA DE IDENTIFICACIÓN.** Una fila de personas formada por la policía para que la víctima o testigo de un crimen vea si puede identificar al sospechoso.

**LITIGATION.** Going to court to settle an issue or dispute.

**LITIGIO.** Un pleito legal que se lleva ante la corte para arreglarlo.



**MAGISTRATE.** A minor judicial official who generally performs administrative or judicial duties which include the issuing of arrest warrants, search warrants, setting bail and administering oaths.

**MAGISTRADO.** Miembro de un tribunal con autoridad judicial o administrativa que se encarga de hacer decretos de detención, establecer fianzas, etc.

**MALICE.** A wrongful act done intentionally, without legal justification or excuse.

**MALICIA.** Un hecho malo sin justificación legal y cometido intencionalmente.

**MALICE AFORETHOUGHT.** Thinking about doing a wrongful act intentionally, without legal justification or excuse, to the injury of someone. An essential element of murder.

**MALICIA PREMEDITADA.** Pensar de antemano en lastimar a una persona intencionalmente y sin justificación legal. Este elemento es esencial en un asesinato.

**MANDATORY SENTENCE.** A sentence which a court is required by law to impose for certain offenses or certain offenders.

**CONDENA MANDATORIA.** Una sentencia que la ley obliga a la corte imponer por cierta culpa.

**MANSLAUGHTER.** The unlawful killing of another without malice in the commission of an unlawful act.

*Voluntary Manslaughter.* As in a sudden fight between two people where one of them kills the other.

**HOMICIDIO SIN PREMEDITACIÓN.** La muerte ilegal de un individuo por otro pero sin malicia y durante el curso de una mala acción.

*Homicidio Voluntario.* Un homicidio durante una acción ilegal en donde se ha participado voluntariamente, tal como en un pleito violento.

**MARSHAL.** An officer in the federal judicial system whose duties are similar to those of a sheriff.

**MARISCAL, OFICIAL DE LOS TRIBUNALES DE JUSTICIA.** Un oficial dentro del sistema federal judicial cuya responsabilidad se puede comparar con la del policía de condado (sheriff).

**MATERIAL WITNESS.** A witness whose testimony is particularly important to issues in a trial.

**TESTIGO ESENCIAL.** Un testigo cuyo testimonio es de suma importancia en un juicio.

**MIRANDA RULE.** Before a law enforcement officer can ask any questions of a person who has been taken into custody or otherwise deprived of his freedom to leave in any significant way, the person must be told: 1) That he has a right to remain silent (he doesn't have to answer questions); 2) that any statement he does make may be used as evidence against him (if he is prosecuted); 3) that he has a right to the presence of an attorney (while he is being questioned, and he doesn't have to answer questions until his attorney can be there to advise him), and 4) that if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires. (Public defenders do not cost him any money and will fight to protect his rights). Unless and until these warnings are given to the suspect or unless he makes an intelligent and knowing waiver of these rights (to be proved at trial), no evidence obtained through questioning by the police can be used against that person.

**REGLA DE MIRANDA.** Cuando un individuo es apresado por la policía, antes de hacerle preguntas se le tiene que informar que: 1) tiene el derecho de no decir nada por su parte y de no contestar preguntas, 2) cualquier cosa que diga se puede usar en su contra en un juicio, 3) tiene derecho de conseguir abogado y permanecer en silencio hasta que el abogado esté presente para aconsejarlo, y 4) si no tiene dinero para conseguir abogado, se le puede asignar un abogado público. Salvo que estas advertencias se le hagan al sospechoso ó que se pueda probar que él consciente y voluntariamente renunció a sus derechos, nada de lo que diga a la policía podrá usarse en su contra ante la corte. (Los abogado defensores públicos son pagados por el condado para defenderle y pelear por sus derechos).

**MISDEMEANOR.** Any crime which is not a felony, that is not punishable by imprisonment in a penitentiary or by death is a misdemeanor. This includes offenses for which the maximum sentence may be a fine only, and/or jail for one year or less.

**PEQUEÑO DELITO.** Un crimen sin gravedad cuya máxima condena es de no más de un año de cárcel o pagar multa.

**MISTRIAL.** A trial can be called off if there is any error or problem in the proceedings.

**JUICIO NULO.** Un juicio se puede cancelar o hacer nulo cuando existe un error o problema en el proceso.

**MITIGATING CIRCUMSTANCES.** Sometimes a crime is committed under circumstances or for reasons which may not amount to a justification or excuse of the offense but which may be considered in reducing the penalty or punishment.

**CIRCUNSTANCIAS MITIGATORIAS.** Circunstancias que, aunque no justifican una ofensa, explican cómo fue que pudo ocurrir y pueden hacer merecer la reducción del castigo.

**MODUS OPERANDI.** Certain characteristic patterns of behavior in the way a type of crime is committed may help identify the offender if the police know that he follows such patterns of behavior. This may help prevent future crimes following the same pattern.

**ANÁLISIS DE LA FORMA DE ACTUAR (voz latina).** Análisis de ciertas características en la forma de proceder de un criminal; estudiándolas la policía puede evitar otros crímenes similares o aprehender al malhechor.

**MOTION.** An oral or written application by one side in a trial, asking the court for a ruling or order on a matter presented to the Judge.

*Motion To Quash.* To annul or set aside or make void.

**MOCIÓN, PETICIÓN.** Una solicitud verbal o por escrito hecha por uno de los lados pidiéndole a la corte que tome una decisión en el asunto presentado ante el juez.

**MURDER.** The unlawful killing of a human being with malice aforethought, either express or implied. The word implies a felonious homicide, while the word "kill" doesn't necessarily carry any idea of crime but only the deprivation of life. A man can kill another by accident but murder is not intended.

**ASESINATO.** La muerte premeditada de una persona ya sea expresada o insinuada con malicia. La palabra en sí implica homicidio grave. En cambio, la palabra "homicidio" no tiene esta implicación ya que esto puede ocurrir accidentalmente y sin malicia.

**NEGLIGENCE.** The failure to do something which a reasonable person would do; or the doing of something which a reasonable person would not do. It is usually an accidental act or omission which results in injury of another.

**NEGLIGENCIA, DESCUIDO.** Falta de aplicación razonable en hacer o descuidar de hacer algo que una persona razonable haría. Generalmente este descuido resulta en herida o daños a otros.

**NONSUIT.** The judgment against the plaintiff when he can't prove his case or when he fails to show up for trial.

**FALLA CONTRA EL DEMANDANTE.** El juicio en contra del acusador cuando no puede comprobar su caso o deja de presentarse para el juicio.

**NOTICE.** Information or written warning to a person telling him of some judicial proceeding which involves his interests or informs him of some fact which he should know.

**AVISO.** Información o advertencia por escrito a una persona diciéndole de algun proceso judicial que le interesa o le afecta.

**OATH.** Some solemn evidence of affirmation that you intend to tell the truth. You may be punished for perjury if you wilfully say something that you know is not true.

**JURAMENTO.** Promesa solemne de decir la verdad poniendo por testigo a algo sagrado. Al mentir conscientemente después de haber jurado, la persona puede ser castigada por perjurio.

**OBJECTION.** During the conduct of a trial if an attorney believes that certain evidence or a question presented by the other side is improper or illegal he will refer the matter to the court by making an oral protest or objection to its presentation. The judge decides whether the matter will be permitted into evidence by overruling the objection, or denied by sustaining the objection.

**OBJECCIÓN, OPOSICIÓN.** Durante la causa, si a uno de los abogados le parece que las preguntas o evidencias del otro lado no son propias o legales, éste hace objeción en forma de protesta. El juez entonces decide si la objeción es aceptable o si la debe denegar.

**OFFENSE.** A violation of the criminal laws which is punishable by a fine or a jail sentence.

**OFENSA, DELITO.** La violación de leyes criminales que lleva un castigo de multa o encarcelamiento.

**OPENING STATEMENT.** At the beginning of a trial an attorney will give the jury an outline of what he expects to present to them. This helps the jury get a general idea of the case so that evidence which may take days or weeks to present will make some sense. This is particularly necessary since the presentation of witnesses, evidence, and events does not always follow the order in which they occurred.

**DECLARACIÓN INAUGURAL.** Al principiarse una causa los abogados le presentan al jurado una explicación, o sea, bosquejo de lo que piensan llevar a cabo. Así, el jurado se va formando una idea de lo que sigue por delante.

**OPINION EVIDENCE.** Expert witnesses can testify as to what they think, believe, or can infer in regard to a particular fact presented to them in court on the basis of their superior knowledge of the subject. Ordinary witnesses usually cannot give their opinion about a fact in question. They can only testify as to their personal knowledge of the facts.

**PRUEBA PERICIAL.** Basado en su experiencia y conocimiento académico, un testigo experto puede dar su opinión sobre los hechos que se le presentan en corte. Esta evidencia es distinta a la de un testigo no experto ya que éste sólo puede atestiguar de su conocimiento de lo que sucedió. A un testigo no experto no se le permite responder a preguntas que requieren algún conocimiento técnico o académico fuera de su experiencia.

**ORDER.** A direction given by a court to the parties in a dispute commanding them to do or not to do a given act. It is not a judgment of the case.

*Final Order.* One which ends the suit or decides an issue between the parties.

*Interlocutory Order.* It only settles some matter relating to a case but is not a final ruling on the entire case.

**PRECEPTO, DECRETO, ORDEN.** Cierta instrucción de la corte a los dos lados ordenándoles lo que tienen que hacer. Este decreto no debe confundirse con la sentencia.

*Orden o Decreto Final.* La orden que da fin a la causa.

*Orden o Decreto Interlocutorio.* Este decreto pone fin a sólo un punto en la causa pero aun se tienen que tratar los otros puntos antes que se le de fin a la causa.

**ORDINANCE.** A law passed by a city or county government as distinguished from a statute which is a law passed by the state or federal government.

**REGLAMENTO, ORDENANZA.** Una ordenanza del gobierno del condado o de la ciudad que no debe confundirse con los estatutos estatales y federales.

**OVERRULE.** A higher court may decide the same question of law directly opposite to that of a lower court, in which case the lower court's decision is null and void. The word also refers to a decision by a judge not to sustain or uphold an attorney's objection to the introduction of particular evidence.

**DENEGAR, DECLARAR SIN LUGAR.** Este término se usa en dos formas: 1) cuando una corte mayor decreta distinto a la corte menor, se dice que la decisión de la corte menor es nula o denegada, y 2) cuando el juez decide no aceptar la objeción de un abogado durante la causa.

**PARDON.** It completely releases the offender from any or further punishment which the law prescribes for a crime he has committed.

**INDULTO, ABSOLUCIÓN, PERDÓN, REMISIÓN DE DELITO.** La liberación total de la pena que dicta la ley por cierto crimen.

**PAROLE.** A convict may be released from prison before his sentence has expired. A convict on parole is still subject to official supervision and can be put back in prison if he breaks a condition of his parole.

**LIBERTAD CONDICIONAL.** A un convicto se le puede dar libertad bajo ciertas condiciones y supervisión. Al no cumplir con las condiciones nuevamente se le puede apresar.

**PART-TIME RELEASE.** A convicted offender or a juvenile in custody may be permitted to spend part of his time in the community to learn a skill or to study and the rest of his sentence must be spent in jail or a correctional facility.

**LIBERTAD A MEDIAS.** Cuando a un convicto se le da permiso para que esté fuera de la cárcel parte del tiempo con propósito de estudiar o mejorarse en alguna forma.

**PARTY.** The person on either side of a suit or trial. A plaintiff or defendant is a party to the action in court.

**PARTE.** La persona que forma una parte de una causa, ya sea el acusado o acusador. Cada uno es una parte.

**PENALTY.** The punishment the law imposes for the commission of a crime.

**CASTIGO.** El pago que la ley ordena por cierto crimen.

**PEREMPTORY CHALLENGE.** An attorney has a right to remove a certain number of people from consideration as jurors in his trial without having to give any reason or explanation for their removal. Usually he has a feeling that they might somehow be prejudiced against his client.

**RECUSACIÓN SIN CAUSA.** Cada abogado tiene derecho de quitar cierto número de candidatos para el jurado sin tener que dar razones, aunque casi siempre es porque él cree que no serán objetivos hacia su cliente.

**PERJURY.** If a person has sworn under oath to tell the truth in court or in an affidavit or deposition and he knowingly and wilfully fails to do so he is guilty of perjury and may be subject to criminal prosecution.

*Subornation of Perjury.* The crime of getting somebody else to commit perjury.

**PERJURIO, FALSO TESTIMONIO.** Cuando una persona después de haber jurado decir verdad, miente conscientemente.

*Soborno de Perjuicio.* Cuando una persona consigue que otra cometa perjurio.

**PETITION.** A written application to a court asking it to grant some privilege, or license to do an act which requires the permission of a court.

**PETICIÓN.** Cuando una acción requiere permiso de la corte, éste se solicita por medio de una solicitud por escrito, o sea, petición.

**PLAINTIFF.** The person who brings a suit into court or who asks that a particular person be prosecuted for violation of the law.

**DEMANDANTE.** Una persona que inicia un pleito de corte acusando a otra de alguna violación.

**PLEA BARGAINING.** An agreement between the defendant and the prosecution that the defendant will plead guilty to a charge. In exchange the prosecutor will reduce or dismiss the charges or recommend some other advantage for the defendant. However, such agreements do not bind the court.

**PACTO ENTRE ABOGADOS.** Un acuerdo entre abogados de los dos lados que el acusado se rendirá culpable del cargo. A cambio, el demandante ofrecerá cierta recompensa, regularmente reduciendo las cargas. Este pacto es entre abogados solamente y no implica u obliga a la corte en forma alguna.

**PLEADINGS.** Written allegations of what is claimed by one side or denied by the other in a court suit.

**ALEGACIONES.** Las razones, por escrito, de lo que cada lado reclama en un juicio.

**PRELIMINARY HEARING.** An audience before a judge or magistrate in which the charges and evidence against the accused are examined to determine whether he should be held for trial. The accused person must be present and accompanied by his attorney.

**CITA O AUDIENCIA PRELIMINAR.** Una audiencia preliminar ante un oficial de la corte en donde se examina el caso para ver si se debe someter a juicio. Deben estar presentes el acusado y su abogado.

**PREPONDERANCE OF THE EVIDENCE.** That evidence which is more believable or convincing than the evidence presented in opposition.

**PREPONDERANCIA DE PRUEBAS.** La evidencia más convincente.

**PRESENTENCE INVESTIGATION.** An inquiry into the background and personality of a convicted person so that the court can take it into consideration before deciding what sentence should be imposed.

**INVESTIGACIÓN PRESENTENCIAL.** Una investigación de la experiencia y personalidad de un convicto para que la corte la considere antes de darle sentencia.

**PRESENTMENT.** An informal written statement by a grand jury to the court that a public offense has been committed and that there is reason to believe that a named individual committed that crime.

**ACUSACIÓN.** Una declaración informal escrita por el gran jurado a la corte informándole que se ha cometido un delito público y que hay ciertas razones para sospechar de cierto individuo.

**PRE-TRIAL RELEASE.** An accused person may be released from jail before or during his trial on his own recognizance or agreement to appear at trial, or upon some form of bail. Sometimes courts will release the accused to some authorized person or organization who will be responsible for his return to trial.



**LIBERACIÓN ANTES DEL JUICIO.** La liberación de un acusado antes del juicio. Comunmente se requiere una fianza o que alguien se responsabilice de que el acusado se presente para el juicio.

**PREVENTIVE DETENTION.** A court may deny bail and order the continued confinement in jail on a belief that the accused is considered likely to commit some offense if he is not confined.

**DETENCIÓN PREVENTIVA.** La corte puede detener a un acusado y negarse a poner fianza cuando cree que el acusado puede cometer algún delito.

**PROBABLE CAUSE.** The reasonable belief based on facts or circumstances that a particular person has committed a particular crime.

**CAUSA RAZONABLE, MOTIVO FUNDADO.** Una creencia razonable, fundada en hechos y circunstancias, que cierta persona ha cometido cierto crimen.

**PROBATION.** The release or suspension of sentence of a person convicted of a minor offense provided he agrees to certain conditions of good behavior. He may or may not be placed under official supervision or guardianship of a probation officer.

**LIBERTAD A PRUEBA.** La liberación de una persona o la suspensión de cargos bajo ciertas condiciones de buena conducta. A veces, legal y oficialmente se le pone bajo la vigilancia de un oficial probatorio.

**PROOF.** The establishment of a fact as being true by presenting convincing evidence of its truth.

**PRUEBA, COMPROBACIÓN.** El establecer que un hecho es cierto, verídico a base de la presentación de evidencia convincente.

**PROSECUTION.** Bringing a person accused of a crime to trial to determine whether he is guilty or innocent of the crime charged. It is the function of the district attorney.

**PROSECUCIÓN, ENJUICIAMIENTO.** El traer a un acusado de un crimen a causa para determinar su inocencia o culpabilidad. Esto es deber del abogado de distrito.

**PROTECTIVE CUSTODY.** Keeping a person lawfully confined who might otherwise pose a danger to himself or to others if he were not restricted, or to protect him from others who might pose harm to him.

**CUSTODIA PROTECTIVA.** Legalmente encerrar a una persona para protección de sí mismo o de otros. También se usa para protegerle de otros quienes puedan dañarle.

**PUBLIC DEFENDER.** A lawyer appointed by the court to defend a person accused of committing a crime. The cost for the attorney is included in the operating budget of the county if it is determined that the defendant is indigent or otherwise unable to afford a private lawyer.

**ABOGADO DEFENSOR PÚBLICO.** Un abogado nombrado por la corte para defender a un acusado indigente o pobre. El abogado lo paga el condado.

**PURGE.** The removal of an item from current or active files as part of general file maintenance. It is still an official record. It may also mean to free from a charge or imputation of guilt.

**DISCULPAR, JUSTIFICAR, LIMPIAR.** La limpieza justificada de un archivo oficial removiendo cierta información. También puede significar librar de cierto cargo o culpabilidad.

**QUESTION.** Asking a witness to declare the truth of certain facts as far as they are known to him.

**INTERROGAR, PREGUNTAR.** Pedirle a un testigo que declare la verdad según su conocimiento de los hechos.

**RAPE.** Forced, unlawful sexual intercourse with a female by a man without her consent and against her will.

*Statutory Rape.* Sexual intercourse with a female who is under the age of consent as established by law (usually 18 years of age). The girl is presumed by law not to be sufficiently mature to be able to give intelligent and knowing consent and the fact that she consented to sexual intercourse is no defense to the crime. Ravish is another word for rape.

**RAPTO, VIOLACIÓN.** El apoderarse de una mujer ilegal y forzosamente y obligarla a cometer el acto sexual contra su voluntad.

*Rapto Estatutario.* El cometer rapto con una muchacha menor de edad (comunmente menor de 18 años). Aunque la muchacha haya participado voluntariamente ante la ley no tiene la madurez para inteligentemente tomar esa decisión.

**REASONABLE DOUBT.** A person accused of a crime is entitled to acquittal or a verdict of not guilty if the jurors still have some honest doubt about his guilt after they have considered all the evidence and court instructions.

**DUDA RAZONABLE.** Si después de analizar los hechos, los miembros del jurado tienen una duda honesta y razonable de la culpabilidad del acusado, deben declararlo no culpable.

**REBUTTAL.** The introduction of evidence or a showing that the statements of witnesses as to what occurred is not true.

**REFUTACIÓN.** Evidencia que muestra que el testimonio de un testigo no es cierto, causa de que ese testimonio se refute.

**RECIDIVIST.** A habitual criminal.

**CRIMINAL REINCIDENTE.** Un criminal habitual.

**RECKLESSNESS.** An attitude or state of mind while doing an act which disregards the consequences of that act even though the person realizes or knows that someone could or will be injured.

**TEMERIDAD, IMPRUDENCIA, SIN RESPECTO AL PELIGRO DE SÍ MISMO O DE OTROS.** Una actitud con que se hace cierta cosa aun sabiendo que puede traer malas consecuencias y hasta lastimar a alguien.

**RECOGNIZANCE.** A prisoner may be released from jail while waiting for his trial to come up if he promises or obligates himself to return to court at a later date to answer to the charges against him.

**SUMISIÓN CON CONDICIÓN DE HACER UN ACTO DETERMINADO.** La liberación de un prisionero mientras espera su causa, bajo su propia responsabilidad de presentarse en la fecha indicada. Esto se hace bajo su propio reconocimiento y sin garantía de fianza.

**REFEREE.** A court may refer a case to an officer of the court who is authorized to take testimony, hear the parties and report his findings back to the court for a determination of the case.

**ÁRBITRO.** La corte puede nombrar a uno de sus oficiales para que escuche testimonios, hable con los dos lados e informe a la corte de sus resultados para que ella pueda llegar a una decisión. Este oficial sirve de árbitro.

**RELEASE.** The discharge or lawfully setting free from restraint or confinement.

**DESCARGO, LIBERACIÓN.** Quitar legalmente cualquier restricción o encarcelamiento.

**REPRIEVE.** The withdrawing of a sentence of death for a time, usually so that the prisoner can have a chance to try to get his sentence reduced.

**SUSPENSIÓN TEMPORAL.** La suspensión temporal de condena de muerte usualmente para darle oportunidad al prisionero de que consiga reducción de su sentencia.

**ROBBERY.** The felonious taking of someone else's personal property by force or fear with the intent to permanently deprive him of it without his consent and against his will.

**ROBO (en un sentido más serio que hurto o ratería).** El tomar bienes ajenos a la fuerza con intención de quedarse con ellos.

**SANCTION.** A penalty or punishment provided as a means of enforcing obedience to a law.

**SANCIÓN, AUTORIZACIÓN.** Una forma de castigo propuesta para hacer obedecer la ley.

**SEARCH AND SEIZURE.** To look for and take into lawful custody property or persons relating to the prosecution of a crime.

*Unreasonable Search and Seizure.* The unlawful and warrantless invasion of the liberty of a person or his home or property in looking for some evidence of guilt to be used in prosecuting for a crime.

**REGISTRO Y EMBARGO.** El buscar y embargar bienes o personas relacionadas con la prosecución de un crimen.

*Registro y Embarga Irrazonable.* El registro y embargo ilegal de una persona o de sus bienes en busca de evidencia para la prosecución de un crimen.

**SEARCH WARRANT.** A written order of a magistrate directing a law enforcement officer to search a specified location or premises for physical evidence of an allegedly committed crime. Usually such evidence, when found, and the person occupying the premises must be brought before the magistrate to be dealt with according to law.

**ORDEN DE REGISTRO.** Una orden escrita del magistrado a un oficial de la ley indicándole que busque en cierto lugar algunas señales o evidencia de un crimen. Al encontrarla, se trae ante el magistrado la evidencia y la persona que viva o se encuentre allí.

**SELF-DEFENSE.** The right of a person to protect himself, his family, or his property against some injury attempted by another.

**DEFENSA PROPIA.** El derecho de cada persona de proteger su persona, su familia y sus bienes contra daños por otros.

**SENTENCE.** The judgment of a court upon a defendant's conviction in a criminal prosecution which declares the punishment to be inflicted.

*Indeterminate Sentence.* A form of sentence which sets minimum and maximum periods of imprisonment. The exact length of a sentence is to be later determined upon consideration of the convict's previous record, his behavior while in prison or while out on parole, the apparent prospect of reformation and other such considerations.

**SENTENCIA, CONDENA.** La opinión de la corte sobre la convicción de un acusado y el castigo que se le debe dar.

*Sentencia Indeterminada.* Un tipo de sentencia que sólo habla del castigo mínimo y máximo sin establecer exactamente cuánto tiempo tiene que servir el acusado. Esto se va determinando según su comportamiento, experiencia e interés en rehabilitarse.

**SERVICE.** The delivery of a written notice by an authorized person to the named individual informing him of some legal action or proceeding in which he has a lawful interest.

**SERVICIO, PRESTACIÓN.** La entrega a un individuo de un aviso formal y por escrito dirigido a él informándole de algún proceso legal que le afecte en alguna forma.

**SHERIFF.** The head of a specific county police force whose duties are to enforce the law, carry out court orders, operate the county jail, and otherwise protect the peace in areas not served by city police departments.

**POLICÍA JEFE DE CONDADO.** El jefe de la policía de un condado cuya responsabilidad es guardar el orden público y proteger al pueblo que vive fuera de los límites de la ciudad.

**SHOPLIFTING.** A criminal offense of taking without force and carrying away merchandise on sale to the public without payment of the purchase price.

**RATERÍA DE TIENDAS.** El delito de llevarse mercancía que está a la venta sin pagar por ella.

**SMUGGLING.** Bringing goods into a country without paying customs duties on them or bringing in goods which are prohibited by law.

*Smuggling Aliens.* The criminal offense of concealing and transporting aliens into this country who have not been lawfully admitted or allowed to be in the U.S.

**CONTRABANDO.** Traer mercancía a un país ilegalmente.

*Contrabando de Extranjeros.* El delito de traer extranjeros al país ilegalmente sin la documentación necesaria.

**STARE DECISIS.** A judicial doctrine courts follow in that once a principle of law is laid down as to a particular set of facts, that same principle will be applied to future cases, where the facts are more or less the same.

**OBSERVAR LAS DECISIONES (voz latina).** Una doctrina judicial de las cortes que indica que al tomarse una decisión sobre cierto particular se establece un fundamento, el cual se debe aplicar igualmente a todos los casos parecidos.

**STATUTE.** An act or law passed by a state or federal government declaring, commanding or prohibiting something.

**ESTATUTO, REGLAMENTO.** Leyes del gobierno que declaran, mandan o prohíben algo.

**STATUTE OF LIMITATIONS.** A law which sets a time limit within which a person may be prosecuted for a specific offense.

**ESTATUTO DE LIMITACIONES.** Una ley que establece cierto límite dentro del cuál se puede procesar contra una persona.

**STAY.** The stopping of a judicial proceeding by a court order.

**SUSPENSIÓN.** El paro de un proceso legal por medio de una orden de la corte.

**STEAL.** This term is often used for larceny or theft and denotes a felonious taking of somebody else's property without his consent.

**ROBAR, HURTAR.** Tomar los bienes de otro sin su consentimiento.

**STIPULATION.** An agreement by attorneys on both sides of a case as to how they shall regard any matter concerning the proceedings or trial.

**ESTIPULACIÓN, CONVENIO.** Un acuerdo por los abogados de la dos partes de una causa sobre como considerarán cierto asunto.

**SUBPOENA.** A court order for a witness to appear and give testimony for the party named, under penalty of law for refusing to appear. If a witness refuses to obey the subpoena the court can order the sheriff to bring him in physically.

**CITACIÓN (voz latina).** Una orden escrita de la corte indicando que debe presentarse como testigo de cierta persona. Si ignora esta citación, se le puede mandar traer a la fuerza.

**SUE.** To start a legal proceeding against someone. To take him to court.

**DEMANDAR, PONER PLEITO.** Empezar pleito legal en una corte contra cierto individuo.

**SUMMARY PROCEEDING.** A simple court proceeding conducted without indictment or jury, for the disposition of minor offenses.

**JUICIO SUMARIO.** Un proceso de corte sencillo sin acusación formal (indictment) o jurado que trata solo delitos pequeños.

**SUMMONS.** A written notice to a person named that a court action has been started against him and that he is required to appear in court on a specific date and answer the complaint. Failure to appear will result in a default judgment against him.

**CITACIÓN, APLAZAMIENTO.** Una orden por escrito dirigida a cierta persona informándole que cierta acción legal se ha registrado en su contra y que debe presentarse ante la corte en tal fecha y hora. Al no presentarse habría una "sentencia por incumplimiento" en su contra.

**SUPPRESSION OF EVIDENCE.** The exclusion from trial of unlawfully obtained evidence.

**SUPRESIÓN DE PRUEBA.** La exclusión de evidencia obtenida ilegalmente.

**SURVEILLANCE.** The practice of keeping a person, place or thing under close observation.

**VIGILANCIA.** El hecho de observar continuamente a una persona, a un lugar o a alguna cosa.

**SUSTAIN.** To uphold or support.

**SOSTENER.** El hecho de apoyar o mantener firme.

**SWEAR.** To declare the truth under oath.

**JURAR.** Declarar la verdad bajo juramento.

**TESTIFY.** The spoken words of a witness given under oath in a judicial proceeding for the purpose of establishing or proving some fact.

**TESTIFICAR.** Relatar algo bajo juramento con el propósito de establecer cierto hecho.

**THEFT.** Another name for larceny or stealing.

**ROBO, HURTO.** Tomar posesión de lo ajeno sin permiso del dueño.

**TORT.** As distinguished from a crime which is a violation of the penal laws that protect society in general, a tort is a violation of another's private or civil rights for which he can sue in a civil court.

**AGRAVIO, DAÑO LEGAL.** La violación de los derechos civiles de un individuo. Esto se distingue de un crimen que es la violación de derechos de la sociedad.

**TRAFFIC CITATION.** A written order, issued by a police officer as a substitute for arresting the person alleged to have violated a traffic law. The person is required to sign the citation promising to appear in a designated court on or before a specific date. Often, if a person prefers not to go to court and agrees that he did, in fact, violate a traffic law, he may pay a fine to the court on or before the specified date.

**INFRACCIÓN DE TRÁNSITO.** Una orden escrita por un policía indicando que una persona ha violado leyes de tránsito. La infracción la cita a corte para una audiencia o si la persona prefiere reconocer su culpabilidad, puede entonces pagar la multa indicada.

**TRANSCRIPT.** A written copy of what was said word for word during the course of a trial.

**COPIA, TRASUNTO.** Una copia por escrito palabra por palabra de lo que se dijo en un juicio.

**TRIAL.** Court proceedings to determine whether a person is or is not guilty of the charges brought against him.

**JUICIO, CAUSA, CASO.** El proceso dentro de una corte para determinar la inocencia o culpabilidad de un acusado.



**TRUE BILL.** The formal declaration made by a grand jury that upon the evidence presented to them they are satisfied of the truth of the accusation made against a named individual.

**ACUSACIÓN APROBADA POR EL GRAN JURADO.** La declaración formal de un gran jurado indicando que basado en la evidencia vista, están satisfechos de la verdad de las acusaciones.

**TRUSTY.** A prison inmate who is allowed to perform work that requires minimum supervision.

**PRESO DE CONFIANZA.** Un preso a quien, por haberse ganado cierta confianza, se le permite hacer trabajos que requieren poca vigilancia.

**TRY.** A judicial examination of a dispute between parties.

**EXAMEN JUDICIAL.** Un examen judicial de un pleito entre dos lados.

**UNCONSTITUTIONAL.** Any official act or law which conflicts with some provision of our written constitutions.

**INCONSTITUCIONAL.** Cualquier hecho o ley que esté en conflicto con la constitución.

**VENUE.** The particular county or city in which a court with jurisdiction may hear a case.

**JURISDICCIÓN.** La area en la cual cada corte puede actuar.

**VERDICT.** The decision or conclusion of a jury upon the facts presented to it at trial as to whether the defendant is guilty or not guilty of the crime charged.

**SENTENCIA, VEREDICTO.** La decisión hecha por un jurado de la inocencia o culpabilidad del acusado. Esta decisión se determina a base de los hechos presentados durante la causa.

**VICTIM.** The person who undergoes physical or mental suffering, or the person, family or social group who suffers a loss of property as a result of an actual or attempted crime committed by another person.

**VÍCTIMA.** La persona, familia o grupo social que padece una pérdida por culpa ajena.

**VICTIM COMPENSATION PLAN.** A government program which provides some monetary compensation from public funds to victims of crimes.

**PLAN COMPENSATORIO PARA VÍCTIMAS.** Un programa del gobierno que con fondos públicos da recompensa financiera a víctimas de crímenes.

**VICTIMLESS CRIME.** A criminal offense which does not directly cause a loss of property, physical injury, suffering or disadvantage to another person, but which may indirectly inflict such harm on family members, institutions, or society as a whole.

**CRIMEN SIN VÍCTIMA.** Un crimen que no causa pérdidas directas a individuos sino que indirectamente afecta a instituciones o al pueblo en general.

**VOIR DIRE.** A process which takes place during the selection of a jury. The lawyers are allowed to ask prospective jurors questions as to their general background and possible prejudices regarding the defendant, the crime involved, and other factors which might improperly influence their consideration of the case. It is particularly important to the defendant that those jurors who are to determine his rights be as free as possible from actual or implied bias. The trial must be fairly conducted upon the evidence and the principles of law appropriate to the case.

**VOIRE DIRE (voz latina).** Un proceso que se lleva a cabo durante la selección del jurado en donde los abogados hacen preguntas a los candidatos sobre cualquier cosa para determinar si tienen algún prejuicio que les impida ser justos y objetivos. La decisión de un jurado siempre tiene que basarse sólo en la ley, los hechos y la evidencia, olvidándose de emociones o prejuicios personales.

**WAIVE.** To abandon or renounce a right, to throw away a privilege or the opportunity to take advantage of some defect or irregularity.

**RENUNCIAR, DESISTIR.** Abandonar cierto derecho u oportunidad.

**WAIVER.** The intelligent, voluntary, and knowing renunciation of a right by one possessed of all the facts and consequences of such an act. The essential element is an actual intent to voluntarily abandon or surrender a right. This distinguishes it from "estoppel" in which intent is immaterial.

**RENUNCIA, ABANDONO.** El abandono consciente e inteligente de cierto derecho por una persona que conoce las consecuencias y los hechos y que aun sabiendo ésto, renuncia a ello.

**WARRANT.** A written order issued by a magistrate addressed to a law enforcement officer commanding him to arrest the named person and bring him before the court, to answer or to be examined, with regard to some offense which he is charged with having committed.

*Bench Warrant.* An order issued by the court itself, or "from the bench" for the arrest of a person or to bring in a witness who did not obey a subpoena. It is distinguished from a warrant which is issued by a magistrate.

**AUTORIZACIÓN.** Una orden escrita del magistrado a un policia mandándole arrestar a cierto individuo para traerlo ante la corte para responder sobre cierto cargo.

*Auto de Juez Para Detención de Una Persona.* Esta orden se distingue de la anterior en que ésta es autorizada por el juez.

**WITH PREJUDICE.** The dismissal of a case which ends all the rights of the parties in the same way as if the case had been heard to a final judgment against the plaintiff.

**SIN DERECHO DE NUEVO JUICIO, CON PREJUICIO.** Dar por terminado un juicio sin derecho de volverlo a traer ante una corte por el demandante.

**WITHOUT PREJUDICE.** The dismissal of a case which in no way affects the rights or privileges of the plaintiff. He is free to bring a new suit at a later date on the same charges.

**SIN PREJUICIO.** La terminación de un juicio en tal forma que el demandante puede volver a acusar al demandado de los mismos cargos.

**WITNESS.** One who personally saw, heard or experienced a thing or event. He can testify under oath as to his personal knowledge of such an experience, whether in court, by deposition, or by affidavit.

**TESTIGO.** Una persona que presencia, escucha o pasa por algún suceso y que bajo juramento puede comunicarlo ya sea verbalmente o por escrito.

**WORK PRODUCT.** All matter of work done by an attorney in his professional capacity in the course of a client-attorney relationship.

**PRODUCTO DE TRAJABO (de un abogado).** Todo aquel trabajo que hace un abogado durante su relación personal con cierto cliente tratando de cierto caso.

**WRIT.** A written order issued by a court addressed to an officer of the law, or directly to a named person requiring the performance of a specified act, or giving authority and commission to have it done.

**MANDAMIENTO, DECRETO.** Una orden escrita por la corte exigiendo que algo se haga o autorizando a cierto individuo que lo haga. La orden va directamente a cierta persona o a un oficial de la corte.