

Criminal Justice in New York County

Learning About the Process



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY





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DISTRICT ATTORNEY

The Office of New York County District Attorney has the responsibility and authority to investigate and prosecute crimes in the borough of Manhattan. In each case we bring before the court, our office represents “The People of the State of New York.” As the elected District Attorney of Manhattan, I am committed to upholding the laws and statutes of New York and to making sure that justice is done in every case. I am also committed to working closely with our police and local communities to develop strategies to prevent crimes before they occur.

In continuing the office’s tradition of making the criminal justice system accessible to the residents of New York, we have created this brochure. This guide and legal glossary is designed to explain and clarify the criminal justice process in New York County. Additional information on the broader workings of the office can be found on our website www.manhattanda.org; on it you will find information on our different departments and the roles they play in the criminal justice system, as well as summaries of notable cases we have prosecuted.

Sincerely,

Cyrus R. Vance, Jr.

In the majority of cases, an arrest is the first stage in the criminal justice process.

THE POLICE AND THE ARREST

What is the function of the police?

The police investigate crimes and arrest individuals who are suspected of committing crimes.

What is a lawful arrest?

Most criminal actions begin when a person is taken into police custody. An arrest is lawful when the police officer has probable cause to believe that the person being arrested has committed a particular offense.

What happens when someone is arrested?

Once the defendant is in custody, he may be identified by the victim or witnesses, and he may make a statement to the police. He will always be searched, and the officers are entitled to seize any contraband or evidence found during the search. Evidence includes the proceeds of the crime, any tools used to commit the crime, distinctive clothing, or other evidence that helps to connect the defendant with the victim or the scene of the crime. The arresting officer takes seized property to be vouchered by the NYPD Property Clerk’s Division.

Once transported to the precinct, the defendant will be fingerprinted. The arresting officer also prepares the arrest report, the complaint report, and other relevant police forms at this time.

For some less serious crimes, the arresting officer may give the defendant a Desk Appearance Ticket (DAT). A DAT releases a defendant from custody before arraignment and requires the defendant to appear for arraignment at a specified date.

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In New York, there are three major classes of offenses for which a person may be prosecuted: violations, misdemeanors and felonies. Violations are the least serious offenses. Felonies are the most serious offenses.



If the defendant does not meet the criteria for a DAT, he will be taken from the precinct to Central Booking at 100 Centre Street for further processing.

What types of arrest charges are there in New York?

In New York there are three major classes of offenses for which a person may be prosecuted. They are violations, misdemeanors and felonies. Some are defined in the Penal Law of New York State, and others can be found in statutes such as the Vehicle and Traffic Law or in local ordinances, such as the New York City Administrative Code.

A **violation** is an offense that carries the lowest sanction, and is not defined as a crime. The maximum term of imprisonment is fifteen days. Examples of violations are harassment, drinking alcohol in public, and disorderly conduct.

A **misdemeanor** is the least serious crime. It is higher than an offense. Misdemeanors are divided into two classes: “A” and “B”. The maximum term of imprisonment for an “A” is one year, and three months for a “B” misdemeanor. Examples of misdemeanors are shoplifting, trespassing in a building, and jumping a turnstile.

A **felony** is the most serious crime. Felonies are crimes for which more than one year of imprisonment may be imposed. Felonies are divided into five classes: “A”, “B”, “C”, “D”, and “E”. An “A” felony is the most serious and an “E” felony is the least serious. Examples of felonies are robbery, burglary, grand larceny, selling narcotics, and murder.

The District Attorney is a lawyer, elected by the residents of his jurisdiction, to represent the state in criminal proceedings against those accused of crimes. The District Attorney of Manhattan is Cyrus R. Vance, Jr.

What is the function of the District Attorney?

The District Attorney's Office represents the People of the State of New York in bringing charges against a suspect in a court of law. The New York County District Attorney's Office has the responsibility and authority to investigate and prosecute crimes in the borough of Manhattan. Cyrus R. Vance, Jr., who was elected by the residents of Manhattan, is the District Attorney. The approximately 550 attorneys who work in his office are called Assistant District Attorneys (ADAs).

What does the District Attorney's office do when someone is arrested?

In most cases, an Assistant District Attorney in the Complaint Room (ECAB) will review the facts with the arresting officer and sometimes with the complainant or other witnesses. This usually occurs within three to twelve hours from the time of arrest. The ADA will then determine the sufficiency of the evidence to support the charges originally brought by the police, determine the final charges, and draft the complaint upon which the defendant will be prosecuted. The complaint must allege facts providing reasonable cause to believe that the person charged committed specific offenses. In some instances, after evaluating the evidence, the District Attorney's Office will decline to prosecute a case.

Almost all Manhattan cases are arraigned in the Criminal Court of the City of New York. After arraignment, the Criminal Court handles only misdemeanors and violations. The Supreme Court of the State of New York handles felony cases.

What is the function of the Courts?

The Courts are charged with ensuring the fair application of the law. Judges preside over all legal proceedings in court.

Almost all Manhattan cases – felonies, misdemeanors, and violations – are arraigned in the Criminal Court of the City of New York.

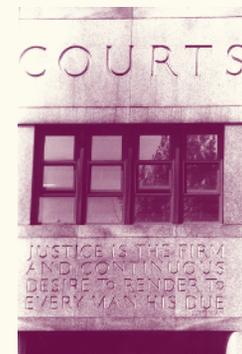
Arraignment Parts are staffed in Criminal Court seven days a week, 365 days a year. During busy times, an Arraignment Part is open through the night. After arraignment, Criminal Court handles only misdemeanors and violations. The Supreme Court of the State of New York handles felony cases. (Note: in New York State, the highest appellate court is the Court of Appeals, not, as one might expect from the name, the Supreme Court.)

What is an arraignment?

In New York City, defendants are usually brought before a judge of the Criminal Court of the City of New York for arraignment within twenty-four hours of arrest. Once the case has been docketed by the Court and the complaint and the defendant's criminal history are ready, the defendant is produced for arraignment in Criminal Court.

At arraignment in Criminal Court, the defendant is informed of the charges against him and a bail determination is made. He is also given various notices, including: whether the case will be considered by a Grand Jury; whether he made statements to the police; and whether there was an identification by witnesses. If the defendant cannot afford an attorney, one is appointed prior to the arraignment.

At arraignment, the defendant is brought before a judge and informed of the charges against him or her. In Manhattan, defendants are usually arraigned in less than 24 hours.



If the defendant is charged with a violation or a misdemeanor, he may plead guilty at arraignment. In a few cases, a defendant charged with a felony is offered a misdemeanor plea at arraignment. Many defendants plead guilty at arraignment, though guilty pleas also can be entered at later stages in the case. The defendant can plead guilty to all of the charges in the complaint, or to a lesser charge when offered by the Assistant District Attorney. A defendant cannot plead guilty to a felony at arraignment. If a defendant pleads guilty, the judge delivers the sentence.

What is Bail and How is it Set?

Bail is collateral, in the form of cash or bond, that must be posted by the defendant to ensure that he or she returns to court on a future date.

If appropriate, the ADA in the Arraignment Part will request that bail be set and give reasons for the bail conditions requested. Once the defense counsel responds, the court will set the bail amount. If the defendant posts the amount of money required to make bail, he or she will be released. A defendant can also be released on his own recognizance (“ROR’d”) if the court feels that bail is unnecessary. If the case is particularly serious, the court may remand the defendant, who is then held in custody without bail.

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What happens to a misdemeanor or violation case after arraignment?

If the defendant does not plead guilty, misdemeanor and violation cases are adjourned from the Arraignment Part into an All Purpose Part (AP Part) in Criminal Court. If bail is set and the defendant cannot post the bail, the New York City Department of Correction detains him in jail until the next court date. Defendants who are released on their own recognizance or who posted bail must appear in court on the appointed date. If a defendant fails to appear, the Judge will issue a bench warrant for the defendant's arrest.

Once a defendant has been arraigned, his case does not go straight to trial. First, a number of legal issues must be addressed. In the AP Part, legal motions are made and future court dates are scheduled.

Defendants may choose to enter a guilty plea in the AP Part.

What happens to a felony case after arraignment?

Felonies are crimes for which more than one year of imprisonment may be imposed. In a few felony cases, plea offers may be made at Criminal Court arraignment. Otherwise, the Judge presiding at the Criminal Court arraignment will adjourn the case to Part F for the announcement of Grand Jury action. The case will remain in Part F for all proceedings prior to indictment or a misdemeanor disposition.

Under New York State law, almost all felony cases must be presented to a Grand Jury. The Grand Jury must vote an indictment before the District Attorney's Office can prosecute a defendant for a felony in the Supreme Court of the State of New York.

What is a Grand Jury?

Under New York State law, almost all felony cases must be presented to the Grand Jury. Grand Juries are empowered to hear evidence presented by prosecutors, and to take various actions regarding the evidence and legal charges they are to consider. The Grand Jury can also conduct independent investigations. Grand Juries sit for a term of approximately one month. Each Grand Jury is comprised of 23 citizens who hear and examine evidence concerning offenses and take action based on such evidence. In Manhattan, morning Grand Juries sit from 10:00 a.m. until approximately 1:00 p.m. Afternoon Grand Juries sit from 2:00 p.m. until approximately 5:00 p.m.

What Can a Grand Jury Do?

The Grand Jury can vote an indictment (a written statement charging an individual with the commission of a felony), direct the filing of a prosecutor's information (which contains non-felony charges), direct the removal of a case to Family Court, or issue a report. For the first three actions, the Grand Jury must determine that the evidence is legally sufficient and that it provides reasonable cause to believe that the defendant has committed the crime. Otherwise, the Grand Jury dismisses the matter. If the Grand Jury votes an indictment, the case is adjourned to a Supreme Court Arraignment Part.

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Are Grand Jury proceedings open to the public?

No. Grand Jury proceedings are secret and only specifically authorized persons can be present. In addition to the Assistant District Attorney and the Grand Jurors, there is a stenographer and a Grand Jury Warden, who controls the proceedings. The ADA is the legal adviser of the Grand Jury and examines all witnesses who testify before it, including any defendant or defense witnesses. At least 16 Grand Jurors must be present for any Grand Jury to hear evidence and take action. Furthermore, at least 12 of the members who have heard the evidence must agree before any affirmative action can be taken.



The majority of criminal cases do not go to trial. Many defendants plead guilty prior to the trial.

What happens after a Grand Jury votes an indictment?

Once a defendant has been indicted for a felony charge and the indictment has been filed, he is arraigned on the indictment in Supreme Court. (Note: in New York State, the highest court is the Court of Appeals, not, as one might expect from the name, the Supreme Court.) Criminal Court no longer has jurisdiction over a defendant once an indictment has been filed.

At Supreme Court arraignment, the prosecutor gives the defendant a copy of the indictment and the Voluntary Disclosure Form, which includes information about the case, such as the date, time and place of the crime, and of the arrest. The defendant is also informed about the substance of his statements and of his identification. The defendant then enters a plea of guilty or not guilty to the indictment. Bail may be reviewed and different conditions may be set.

Can a defendant plead guilty to a felony charge at Supreme Court Arraignment?

Yes. The majority of cases do not go to trial. The defendant can plead to all of the charges in the indictment, or to lower charges offered by the Assistant District Attorney. Unless a sentence is negotiated as part of a plea agreement, the judge will determine the defendant's sentence based on the facts of the case and the laws governing permissible sentences.

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What happens if a defendant pleads not guilty at Supreme Court Arraignment?

After a Grand Jury indictment has been voted and the defendant has been arraigned in Supreme Court, his case does not go straight to trial. Instead, the case is adjourned to a Supreme Court Calendar Part. In the Supreme Court Calendar Part, attorneys file motions to address a number of legal issues and defendants can plead guilty. Numerous legal motions and court hearings can occur before a trial, some of which are described below.

Discovery: Prior to trial, the defendant presents motions to the court to obtain information and documents and to examine the physical evidence. The defendant is entitled to a copy of his statement and, if applicable, to those of co-defendants being tried jointly. This includes any statements made before a Grand Jury. Photographs, drawings, scientific reports, or evidence seized from the defendant must also be made available.

Motions to Dismiss: The defendant can move to dismiss the complaint or indictment as being technically defective for not being supported by sufficient evidence, in the interest of justice, or because he was denied a speedy trial.

Motions to Suppress Evidence: Before trial, the defendant can move to prohibit the introduction of evidence at trial on the grounds that it was unlawfully or improperly obtained. Suppression motions most commonly seek to prohibit the introduction of identifications, evidence seized from the defendant, and the defendant's statements.



Admissibility of Identification Evidence:

Identification evidence, for example a line-up, is examined during a Wade hearing. At issue is whether the police conduct during the identification procedure was proper. If the judge finds that the police acted improperly, the judge can decide if the witness' "independent basis" for the identification is strong enough to withstand the pressures of police impropriety. If the independent basis for the identification is weak or non-existent, the witness cannot identify the defendant at trial.

Admissibility of Statements Made by the Defendant:

The admissibility of a defendant's statement is litigated in a Huntley hearing. The issues include whether the defendant was given his Miranda warnings, whether those warnings were complete, and whether his decision to speak to the police was knowing, intelligent, and voluntary.

Admissibility of Physical Evidence Seized from the Defendant:

The admissibility of physical evidence seized from the defendant is litigated in a Mapp hearing. The main question is whether certain physical evidence seized from the defendant can be introduced at trial. Issues include an officer's probable cause to arrest the defendant, the propriety of his stop or frisk of the defendant, the time of the seizure and the pertinent details surrounding the seizure of the evidence.

Sandoval: A Sandoval motion is made just before the trial begins. In such a motion, the defendant seeks to prevent the ADA from cross-examining him on any prior convictions or bad acts.

A criminal trial is a formal examination of evidence before a court of law or a jury to determine whether the defendant is guilty of the charges brought against him or her beyond a reasonable doubt.

What is a Trial?

A criminal trial is a formal examination of evidence before a court of law or a jury to determine whether the defendant is guilty of the charges brought against him or her beyond a reasonable doubt. Trials may be conducted for felonies, misdemeanors, or violations. However, very few misdemeanor or violation cases proceed to trial.

How is a jury selected?

Voir Dire is the name given to jury selection. In Criminal Court, 6 jurors are chosen and 1 or 2 alternates. In Supreme Court, 12 jurors and 2 to 4 alternates are chosen. When prospective jurors are brought to the courtroom, the judge will explain certain principles of law, and question the prospective jurors. The Assistant District Attorney (ADA) then questions the jurors. After the ADA has finished, the defense attorney asks further questions. Out of earshot of the jury and following established rules, the attorneys will excuse jurors they believe should not sit on the case. The remaining jurors are sworn. The process continues until the full number of jurors and alternates is chosen.

What is Rosario material?

Rosario material includes any statements of a witness who will testify at trial. Police forms that summarize a witness' statement, a signed statement by a witness, and paperwork prepared by a testifying police officer are examples of Rosario materials. Rosario material must be given to the defense before the opening statements.



After Jury Selection, How Does a Trial Proceed?

Opening Statement: At the beginning of the trial, the Assistant District Attorney makes an opening statement. A defense attorney may make an opening statement, but is not required to do so. In an opening, the attorney explains what he or she is going to prove at trial.

Direct Case: The direct case brought by the District Attorney's Office involves the calling of witnesses and the introduction of physical objects or records into evidence. The ADA asks questions of each witness. The defense attorney then asks questions on cross-examination. The ADA may ask clarifying questions on redirect. This process continues until all of the prosecution's witnesses on the direct case have testified. At the end of the direct case the defendant may move to dismiss certain charges on the theory that the trial evidence is insufficient to establish the crime(s) charged.

Defense Case: The defense case may involve many witnesses, including the defendant, or there may be no witnesses at all. The defendant is not required to present any evidence, or to testify at trial. If defense witnesses are called, the ADA may cross-examine each witness.

Rebuttal: The District Attorney's Office may have a rebuttal case, and if so, defense counsel may cross-examine the rebuttal witnesses.

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Summation: The defense is the first to deliver a summation, or concluding arguments. In its summation, the defense will usually question the evidence presented by the District Attorney's Office and generally try to establish that the case has not been proven beyond a reasonable doubt. The prosecution's summation explains the evidence presented, puts defense arguments into perspective, and affirmatively asserts reasons for finding the defendant guilty beyond a reasonable doubt.

Deliberation: The Court then instructs the jury on the law and explains legal concepts such as the presumption of innocence, the burden of proof, and the elements of each crime charged. After the judge's instructions, the ADA and the defense attorney are given an opportunity to ask for additional instructions or to object to the legal instructions already given.

Jury deliberation begins after the judge's legal instructions and may last any length of time. During deliberation the jury may ask to review evidence introduced at trial or to have instructions or testimony re-read. The jury may find the defendant guilty, not guilty, or may be unable to agree. A jury that cannot reach a unanimous verdict is called a hung jury. When there is a hung jury, the case may be retried. A not guilty verdict may mean that the case was not proven beyond a reasonable doubt; it does not always mean that a defendant is innocent.

After a guilty verdict or a guilty plea, a defendant will be sentenced by a judge. A defendant can be sentenced to a term of imprisonment, a term of probation, a conditional discharge, an unconditional discharge, or he or she can be fined.

What types of sentences may be imposed if a person is found guilty?

After a jury renders a guilty verdict or after a defendant pleads guilty, a defendant will be sentenced. A judge may sentence a defendant to a term of imprisonment, a term of probation, a conditional discharge, an unconditional discharge, or impose a fine. Sentencing is governed by statutes that indicate those crimes for which imprisonment is mandatory and the permissible minimums and maximums for each class of crime. To determine the sentence within the ranges permitted by law, the judge examines the crime and the defendant's participation, his background, and history.

Probation may be given when a jail term is not considered necessary for the protection of society. The court may feel that probation can provide needed training, guidance, or assistance to the defendant and can add conditions to the sentence of probation to reflect those needs.

A conditional discharge is imposed when the court believes that neither jail nor probation is appropriate. The court can require the defendant to lead a law-abiding life, to participate in a specific program, or to avoid contact with certain people. A sentence of an unconditional discharge is imposed when the judge does not believe that it would be helpful to impose any conditions on the defendant. A fine may be imposed in addition to other types of sentences or it can be the only sentence imposed.

Acquittal A disposition of a case in which the defendant is found not guilty.

ADA Abbreviation for Assistant District Attorney. See also Assistant District Attorney

Adjourn To suspend a proceeding to a later time and perhaps different place.

Adjournment in Contemplation of Dismissal (ACD)

A conditional dismissal of a case pending law-abiding behavior of the defendant. An ACD case may be restored to the court's calendar if the defendant commits any new crimes.

Affidavit A written statement of facts submitted in the course of a legal proceeding. See also corroborating affidavit.

Affiant One who makes an affidavit.

Arraignment An early stage in the criminal justice process, occurring after an arrest. The defendant is brought before a judge and informed of the charges pending against him or her. If applicable, bail is set.

Arraignment Court Part The location in which defendants are arraigned. In Manhattan, the majority of defendants are arraigned within 24 hours of their arrest. Defendants who are later indicted by a Grand Jury will be arraigned again in Supreme Court.

Arrest In the majority of cases, an arrest is the first stage in the criminal justice process. In some cases, an investigation precedes the arrest. In a typical arrest, a defendant is charged by the police and taken into custody.

Assistant District Attorney (ADA) Assistant District Attorneys are lawyers hired by the District Attorney to prosecute cases as representatives of the People of the State of New York.

Bail Cash or bond posted by a defendant as collateral to ensure that he or she returns to court on a future date.



Bench Warrant A warrant issued by a judge when an individual fails to appear in court at a specified date and time.

Calendar Part Court Part to which a case is sent after arraignment, but before trial. Motions and pleas are heard in this Part.

Complaint The legal instrument filed by the State which initiates a criminal action. The complaint states the alleged crime of the defendant in legal language. In Criminal Court (misdemeanor cases), the complaint serves as the formal accusatory instrument. In Supreme Court (felony cases), the complaint serves as a preliminary accusatory instrument until a Grand Jury indictment is obtained.

Complainant A person who makes a complaint or files a formal charge in a court of law.

Complaint Room See ECAB

Conditional Discharge A sentence imposed by a judge when a court believes that neither jail nor probation is appropriate for the defendant. The court can require the defendant to lead a law-abiding life, to participate in a specific program, or to avoid contact with certain persons.

Contraband Goods barred by law. Contraband generally includes specific weapons or drugs prohibited by law.

Conviction A disposition of a case in which the defendant is found guilty by trial or plea.

Corroborating Affidavit An affidavit provided by a witness that confirms the witness' assertions as stated in the criminal complaint (the legal instrument which initiates a criminal action). A corroborating affidavit converts a complaint into an information, which is then ready to proceed through the criminal justice process.

Court Clerk The Court Clerk assists the judge in record-keeping and other clerical duties; generally in charge of the personnel assigned to the courtroom.

Court Officers Court officers are distinguished by uniforms, badges, and shoulder patches, and are responsible for security in the court room. They are usually armed. They often assist the clerk of the court with clerical duties.

Court Part The physical location in which court proceedings occur. See also Arraignment Part, Jury Part, and All Purpose Part.

Criminal Court In New York City, the court in which misdemeanor and violation cases are handled.

Criminal Court All Purpose Part (AP Part) The Criminal Court part in which various proceedings involving misdemeanors or violations occur between arraignment and trial. Motions and pleas are handled in the part.

Cross-Examination The questioning of a witness presented by the opposing party at trial.

Decline to Prosecute (DP) In some cases, the prosecutor may decide not to proceed against a defendant, in which case the prosecutor declines to prosecute the case. A prosecutor may decline to prosecute for a number of reasons, for example, if there is insufficient evidence or if further investigation is needed.

Defendant The person alleged to have committed the crime.

Defense Lawyer The lawyer who represents the defendant in a criminal case. The defense of those who cannot afford to pay for a lawyer is provided by organizations such as the Legal Aid Society or by private attorneys assigned by the court.

18(b) Lawyer A private lawyer who is appointed to represent an indigent defendant where there is no Legal Aid Society or Public Defender's office, or where these agencies are unable to provide representation because of a conflict of interest or other policy decisions. 18(b) refers to Article 18(b) of the County Law, which authorizes the appointment and payment of private attorneys with county monies in criminal cases.



Department of Correction The New York City agency in charge of all persons in detention. Department personnel can be identified by the badge that says “Dept of Correction” and a pin in their collar saying “DC.” This Department also transports prisoners to and from court.

Deponent A person who testifies under oath, usually in writing.

Desk Appearance Ticket (DAT) A DAT is issued for less serious crimes. It releases a defendant from custody before arraignment and requires the defendant to appear in Criminal Court on a specified day for arraignment. If a defendant fails to appear on a DAT, a bench warrant may be issued. The warrant authorizes the arrest of the defendant and the arresting officer is directed to bring the defendant before the court.

Dismissal The disposition of a case in which the charges against a defendant are removed. Only a judge can dismiss a case.

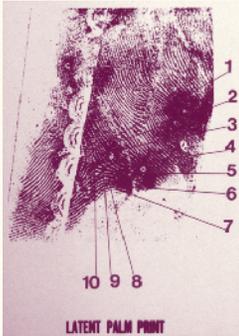
Disposition Once a case has concluded, it is said to be disposed. Possible dispositions include: conviction by trial or plea, dismissal, and acquittal.

District Attorney The District Attorney is a lawyer, elected by the residents of his jurisdiction, to represent the State in criminal proceedings against those accused of crimes. The District Attorney of Manhattan is Cyrus R. Vance, Jr.

Docket Number Cases are numbered and tracked by the Court with a docket number.

ECAB The District Attorney's complaint room, also known as ECAB (Early Case Assessment Bureau), is where felony and misdemeanor cases are evaluated and complaints are drafted by ADAs. ADAs staff ECAB seven days a week.

Felony An offense which is the most serious crime



category. Felonies are divided into five classes: “A”, “B”, “C”, “D”, and “E”. An “A” felony is the most serious and an “E” felony is the least serious. Examples of felonies are robbery, burglary, grand larceny, selling narcotics, and murder.

Grand Jury Under New York State law, Grand Juries are empowered to hear evidence presented by prosecutors and to file charges, known as indictments, in felony cases. The Grand Jury can also conduct independent investigations. Each Grand Jury is comprised of 23 people.

Hearsay Evidence based upon the reports of others, rather than on the first-hand experience of a witness.

Hung Jury A jury that cannot reach a unanimous verdict is called a hung jury. When there is a hung jury, the case may be retried.

Indictment A written statement charging a party with the commission of a crime or other offense, drawn up by a prosecuting attorney, and voted and filed by a Grand Jury.

Information A complaint which has the necessary corroborating affidavit.

Interpreter Provides translation for non-English speaking witnesses and defendants.

Judge Presides over trials and hearings, decides motions, and conducts arraignments.

Jurisdiction The territorial range over which the authority to interpret and apply the law extends. Each of the 62 counties in New York State has a District Attorney who is an elected official. Each DA has jurisdiction to prosecute crimes and offenses that are committed in the county of election only. The City of New York contains five counties and has five District Attorney’s Offices: New York County (Manhattan), Kings County (Brooklyn), Queens County (Queens), Bronx County (the Bronx), and Richmond County (Staten Island).

Jury Part Court Part in which trials occur.

Misdemeanor Misdemeanors are offenses for which a term of 15 days to one year may be imposed. Misdemeanors are divided into two classes: “A” and “B”. The maximum term of imprisonment for an “A” misdemeanor is one year and the maximum term for a “B” misdemeanor is three months. Examples of misdemeanors are shoplifting, trespassing in a building, and jumping a turnstile.

Offense In New York there are three major classes of offenses for which a person may be prosecuted: violations, misdemeanors, and felonies. Violations are the least serious offenses. Some are defined in the Penal Law of New York State and others can be found in statutes such as the Vehicle and Traffic Law or in local ordinances such as the New York City Administrative Code.

Part The courtroom in which a judge presides over cases.

Part F Felony cases fall under the jurisdiction of Criminal Court until a Grand Jury indictment is obtained. After arraignment in Criminal Court, felony cases in New York County are adjourned to a Criminal Court All Purpose Part called Part F. After a Grand Jury indictment has been voted, the case moves to a Supreme Court Arraignment Part.

Pleas Dispositions in which the prosecutor and defendant agree on a guilty charge. Often, pleas will have a sentencing recommendation. A judge must approve the plea.

Precinct The City of New York is divided into smaller sections, which are patrolled by units of the police department. Each precinct has a station-house. Manhattan has 22 precincts.

Probation Department The department responsible for the supervision of persons placed on probation in lieu of imprisonment. This department also conducts pre-sentence investigations used by judges when determining sentences.

Release on own Recognizance (ROR) When the court determines that a defendant is likely to appear in court as required by law, bail may be deemed unnecessary and the defendant is released without posting bail.

Remand In serious cases when the court determines that a defendant is likely to flee the jurisdiction of the court, the court may determine that bail should not be offered. Remanded defendants remain in custody.

Rosario Rosario material includes any statements of a witness who will testify at trial. Police forms that summarize a witness' statement, a signed statement by a witness, and paperwork prepared by a testifying police officer are examples of Rosario materials. Rosario material must be given to the defense before the opening statements.

Stenographer or Court Reporter Takes verbatim record of court proceedings using a stenotype machine which records stenographic symbols on paper.

Supreme Court In New York State, the court in which felonies are tried. Though the name is misleading, the Supreme Court of New York is not the highest court in the state—the Court of Appeals is the highest court in New York State.

Supreme Court Calendar Part The Supreme Court Calendar Part is the part in which various proceedings occur between Supreme Court arraignment and trial. Motions and pleas are handled in the Part.

Trial A criminal trial is a formal examination of evidence before a court of law and/or a jury to determine whether a defendant is guilty of the charges brought against him beyond a reasonable doubt.

Trial Court Part The court part in which trials occur.

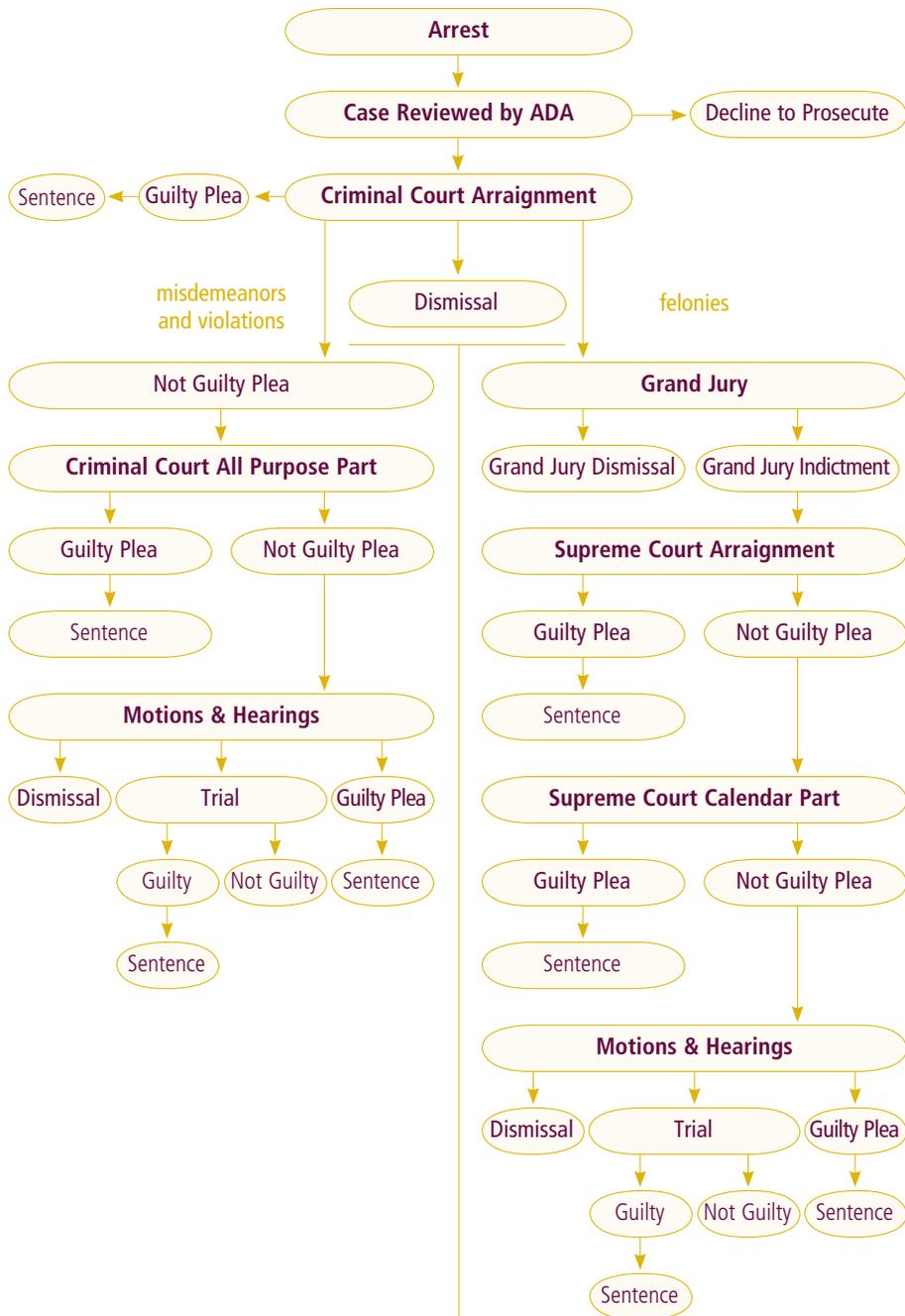
Unconditional Discharge A sentence of an unconditional discharge is imposed when the judge does not believe that it would be helpful to impose any conditions on the defendant.



Violation An offense carrying the lowest sanctions. Although they are penal in nature, violations are not defined as crimes. The maximum term of imprisonment is fifteen days. Examples of violations are harassment, drinking alcohol in public, and disorderly conduct.

Voir Dire Voir Dire is the name given to jury selection. In Criminal Court, 6 jurors and 1 or 2 alternates are chosen. In Supreme Court, 12 jurors and 2 to 4 alternates are chosen. When prospective jurors are brought to the courtroom, the judge will explain certain principles of law and question the prospective jurors. The ADA then questions the jurors. After the ADA has finished, the defense attorney asks further questions. Out of hearing of the jury and following established rules, the attorneys will excuse jurors they believe should not sit on the case. The remaining jurors are sworn in. The process continues until the full number of jurors and alternates is chosen.

Warrant A judicial writ authorizing an officer to execute a search, seizure, or arrest.



New York County
District Attorney's Office
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