

JUSTICE

CASE FILES

2



The Case of Stolen Identity

Dear Readers,

Millions of Americans visit our nation's courthouses every day. The business and the decisions that take place in our state courts affect the daily lives of all of our citizens. Yet, few people understand how our justice system works.

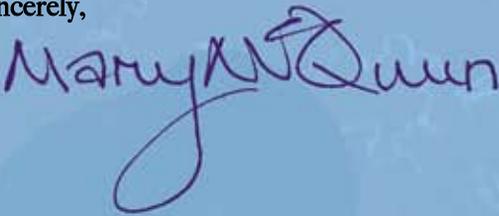
To help increase knowledge about our courts, the National Center for State Courts developed Justice Case Files. This series of graphic novels takes timely issues that can impact anyone, from students to adults, and shows how our courts work to protect the public.

"The Case of Stolen Identity," the second in this series, focuses on one of the fastest-growing crimes in this country, one that is turning millions of unsuspecting Americans into victims: identity theft.

One of the basic principles of our system of justice is to protect the people it serves. At the National Center for State Courts, we looked to this fundamental principle when developing this graphic novel. By reading this story, you will become more aware about the threat of having your identity stolen and better equipped to protect yourself. This story will help readers gain a deeper understanding of how our courts preserve our democratic society.

I'm pleased to introduce "Justice Case Files 2: The Case of Stolen Identity," and I hope that by reading it you will gain a better understanding of how our courts protect our citizens.

Sincerely,



Mary Campbell McQueen
President
National Center for State Courts

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THE *STATE* VERSUS *JASON HARLAN*, CASE NUMBER 52347A, IS NOW BEFORE THIS COURT FOR TRIAL.

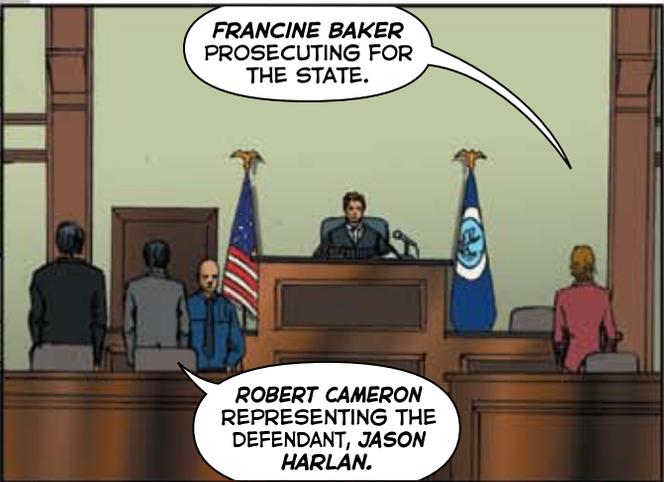


THE HONORABLE *WILLIAM OLIVER* PRESIDING.

ARE ALL PARTIES PRESENT?

GOOD.

COUNSEL, PLEASE STATE YOUR APPEARANCES.



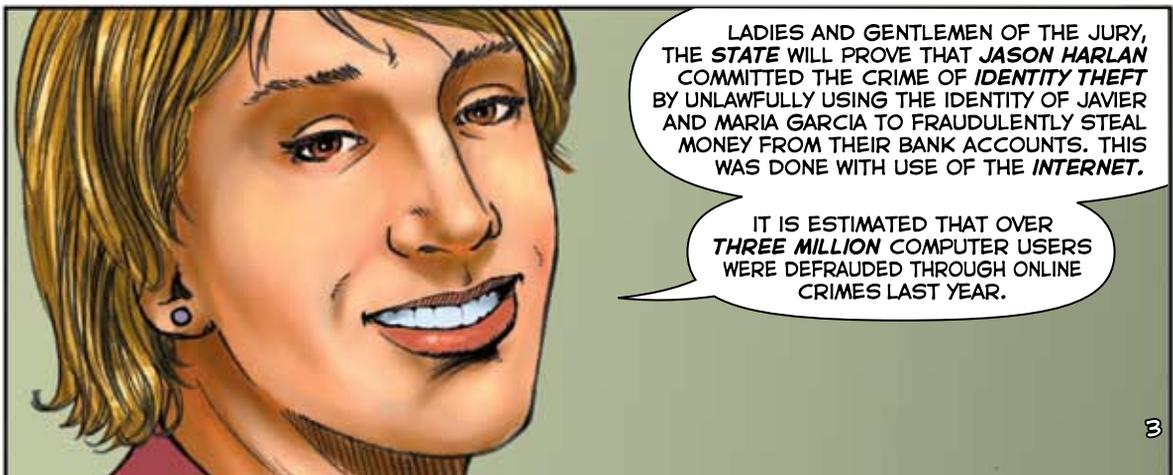
FRANCINE BAKER PROSECUTING FOR THE STATE.

ROBERT CAMERON REPRESENTING THE DEFENDANT, *JASON HARLAN*.



MS. BAKER, WOULD THE *STATE* LIKE TO MAKE AN OPENING STATEMENT?

YES, YOUR HONOR.



LADIES AND GENTLEMEN OF THE JURY, THE *STATE* WILL PROVE THAT *JASON HARLAN* COMMITTED THE CRIME OF *IDENTITY THEFT* BY UNLAWFULLY USING THE IDENTITY OF *JAVIER* AND *MARIA GARCIA* TO FRAUDULENTLY STEAL MONEY FROM THEIR BANK ACCOUNTS. THIS WAS DONE WITH USE OF THE *INTERNET*.

IT IS ESTIMATED THAT OVER *THREE MILLION* COMPUTER USERS WERE DEFRAUDED THROUGH ONLINE CRIMES LAST YEAR.

"AS WITH MILLIONS OF OTHER PEOPLE EACH YEAR, MR. AND MRS. GARCIA WERE INNOCENT VICTIMS, SCAMMED BY AN ONLINE CON ARTIST."

MARIA?
WHERE ARE
MY BLUE
PANTS?

I IRONED
THEM LAST
NIGHT. CHECK
THE LAUNDRY
ROOM!

JAVIER, I NEED TO
GET THE KIDS TO SCHOOL.
CAN YOU MOVE THE CAR?

I CAN DO
BETTER THAN THAT --
WE'LL LEAVE TOGETHER.
I'M RUNNING
LATE, TOO.

DON'T FORGET TO STOP AT
THE STORE TONIGHT ON THE
WAY HOME. I'LL BE BUSY
WITH MOM ALL DAY.

OK, I'VE
GOT A FACULTY
MEETING UNTIL 4:30,
SO CALL MY VOICE
MAIL AND REMIND
ME! LOVE YOU!

I KNOW YOU'RE TEACHING
CHEMISTRY RIGHT NOW, JAVIER,
SO CONSIDER THIS YOUR
REMINDER TO GO TO
THE STORE.

OH, MOM'S
CALLING --

-- BYE FOR
NOW!

HOLA,
MAMA?

YES, I'M ON MY WAY RIGHT
NOW TO PICK YOU UP ...



WE SURE DO APPRECIATE ALL OF THE WORK THE ANIMAL RESCUE FOLKS DO, MRS. LOPEZ.

WHEN WE GOT THE CALL ABOUT THESE PUPPIES, I THOUGHT YOUR GROUP MIGHT WANT TO SEE THEM FIRST.



THANK YOU, OFFICER BRADY. I'M SORRY TO SAY THAT EVEN THOUGH WE JUST HAD ANOTHER PET ADOPTION, OUR ANIMAL FOSTER HOMES ARE FULL.

WELL ... *MINE* ISN'T. WE STILL HAVE THAT PUPPY PEN IN THE BACKYARD.

IF YOU CAN TAKE POSSESSION AND FIND HOMES FOR THIS LITTER, THAT WOULD BE FINE BY US.



A MOTHER DOG AND SIX PUPPIES?

I KNOW, I KNOW. BUT WHAT ELSE COULD I DO?

A FEW MORE DOGS WON'T HURT ANYTHING, AND PUPPIES ARE USUALLY EASY TO ADOPT.



KEEP AN EYE ON THEM, MAMA. I'LL BE THERE TO HELP IN A SECOND.

I'M EXPECTING AN E-MAIL FROM LINDA ABOUT THE RESCUE MEETING ON SATURDAY NIGHT.



JUNK MAIL, JUNK MAIL, JUNK MAIL -- WHAT'S *THIS*?

THAT FIGURES. NO WORD FROM LINDA YET, BUT THE BANK HAS A QUESTION.

address	
urance4u.com	Save money now!
nts@ps&l.com	*PLEASE UPDATE YO
pton@gmail.com	looking forward to your
g@yahoo.com	next meeting Wed. 7:0
er@aol.com	dogs and cats availabl

I GUESS I'D BETTER TAKE CARE OF THIS.

CLICK

"DEAR ACCOUNT HOLDER: RECENTLY WE HAD TO BLOCK SOME ACCOUNTS IN OUR SYSTEM DUE TO ISSUES OF MONEY LAUNDERING, CREDIT CARD FRAUD ..."

"... WE ARE ASKING OUR CUSTOMERS TO REVIEW THEIR CHECKING AND SAVINGS ACCOUNTS TO SEE IF THEIR CURRENT BALANCE IS CORRECT."

"AFTER RE-ENTERING YOUR INFORMATION THROUGH THE LINK BELOW, IF YOU SUSPECT OR HAVE FOUND ANY FRAUD ACTIVITY ON YOUR ACCOUNT PLEASE LET US KNOW."

ount please let us know.

www.presidentialsavingsandloan.com

appreciate yo

let us serve you

A DIRECT LINK. GOOD, THAT MAKES IT EASY!

WHAT'S THE HOLDUP? THESE LITTLE GUYS ARE GETTING RESTLESS!

I JUST HAVE TO ANSWER AN E-MAIL FROM THE BANK.

THE PUPPY PEN IS ONLY HALF PUT TOGETHER. I'LL NEED YOUR HELP TO MAKE SURE EVERYTHING IS SECURE.

PRESIDENT SAVINGS & ...

I DON'T *TRUST* THESE WEBSITES. I DO ALL OF MY BANKING IN PERSON!

PLEASE ENTER YOUR ACCOUNT INFORMATION

MAMA, ONLINE BANKING IS SAFE AND EASY, AND SAVES LOTS OF TIME.

First Middle Last

Address:

City:

State: Zip:

Home phone Business phone

E-mail: Social Security #:

Acct #:



TOLD YOU!

NO, EVERYTHING IS BACK TO NORMAL NOW. I GUESS THE INTERNET CONNECTION IS RUNNING SLOW.

LET ME DOUBLE-CHECK OUR ACCOUNT.

ENTER USER NAME AND PASSWORD BELOW:

User name:

Password:





SO DO YOU LIKE WORKING HERE, ANDI?

Maple Hill Grocery

IT'S ALL RIGHT. I DIDN'T WANT TO WEAR A PAPER HAT AND COOK FRENCH FRIES, SO RETAIL WAS THE ONLY OTHER PART-TIME JOB I COULD GET.



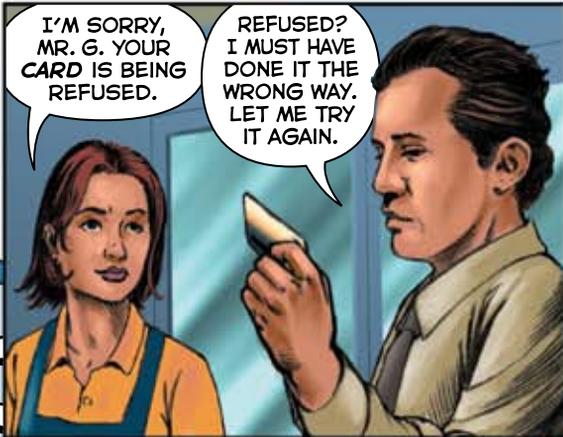
WELL, DON'T LET IT CUT INTO YOUR STUDIES. THAT CHEM ASSIGNMENT IS DUE ON MONDAY.

COME ON, MR. GARCIA. THEY ONLY GIVE ME ABOUT FIFTEEN HOURS A WEEK!



THAT'LL BE \$23.58.

I'LL JUST USE MY DEBIT CARD.



I'M SORRY, MR. G. YOUR CARD IS BEING REFUSED.

REFUSED? I MUST HAVE DONE IT THE WRONG WAY. LET ME TRY IT AGAIN.



SORRY, SIR. STILL NOT WORKING. DO YOU HAVE ANOTHER CARD?

NOT WITH ME. HOLD ON, LET ME SEE IF I HAVE ENOUGH CASH TO PAY FOR ALL OF THIS ...



HELLO, MARIA? YES, I PICKED UP THE GROCERIES, EXCEPT FOR THE MILK. I ONLY HAD A TWENTY-DOLLAR BILL TO COVER EVERYTHING.

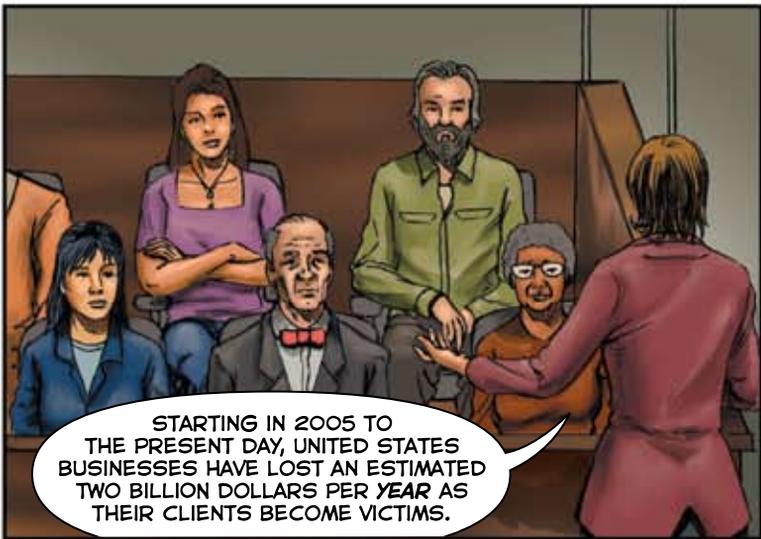
I DON'T KNOW. I GUESS THE STRIPE ON THE BACK OF MY BANK CARD HAS GOTTEN DEMAGNETIZED AGAIN ...

"LADIES AND GENTLEMEN, WE TAKE CERTAIN THINGS FOR GRANTED IN OUR SOCIETY, AND ONE OF THOSE IS THE SAFETY OF OUR PRIVATE INFORMATION -- ESPECIALLY WHEN IT COMES TO OUR FINANCES ..."

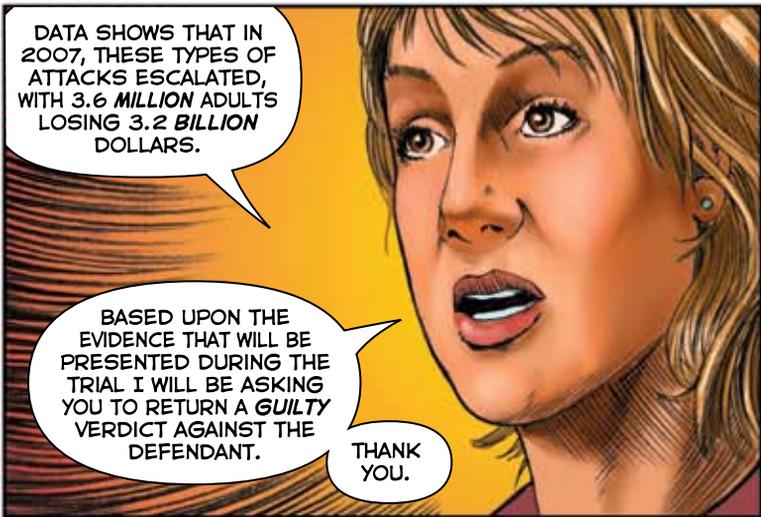


... DO YOU HAVE ANY IDEA HOW MUCH BUSINESSES LOST BETWEEN MAY 2004 AND MAY 2005?

APPROXIMATELY 929 MILLION DOLLARS.



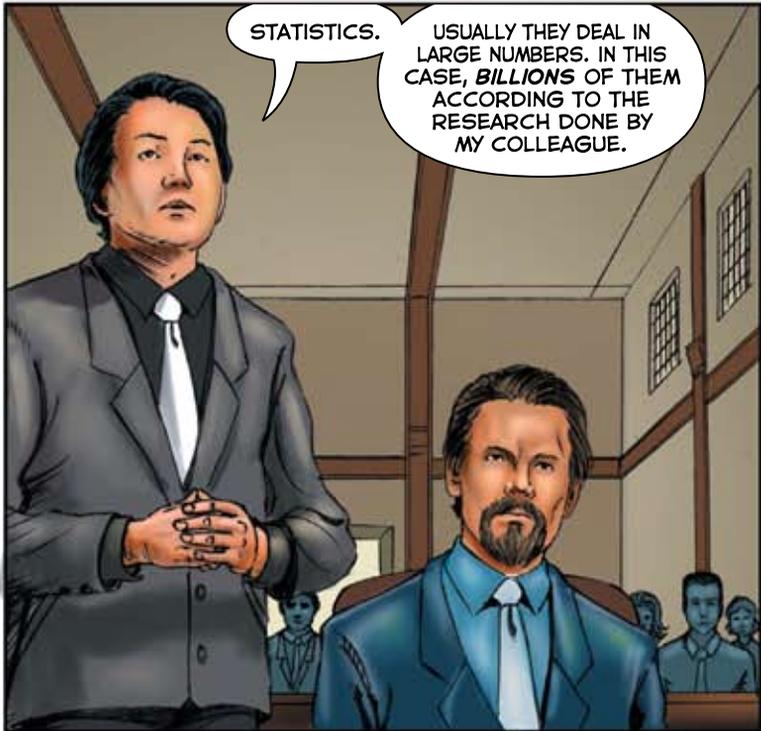
STARTING IN 2005 TO THE PRESENT DAY, UNITED STATES BUSINESSES HAVE LOST AN ESTIMATED TWO BILLION DOLLARS PER YEAR AS THEIR CLIENTS BECOME VICTIMS.



DATA SHOWS THAT IN 2007, THESE TYPES OF ATTACKS ESCALATED, WITH 3.6 MILLION ADULTS LOSING 3.2 BILLION DOLLARS.

BASED UPON THE EVIDENCE THAT WILL BE PRESENTED DURING THE TRIAL I WILL BE ASKING YOU TO RETURN A **GUILTY** VERDICT AGAINST THE DEFENDANT.

THANK YOU.



STATISTICS. USUALLY THEY DEAL IN LARGE NUMBERS. IN THIS CASE, **BILLIONS** OF THEM ACCORDING TO THE RESEARCH DONE BY MY COLLEAGUE.



HOWEVER, THOSE NUMBERS HAVE **NOTHING** TO DO WITH MR. HARLAN AND DON'T PROVE HE DID ANYTHING **WRONG**.

"FOR ITS FIRST WITNESS, THE STATE CALLS MARIA GARCIA."

MAY I HELP YOU?

YES, MY HUSBAND'S BANK CARD ISN'T WORKING FOR SOME REASON, AND WHEN I TRIED MY CARD IN THE ATM OUTSIDE, THE SCREEN SAID "INSUFFICIENT FUNDS."

CAN YOU CHECK MY ACCOUNT? I WASN'T ABLE TO MOVE MONEY OVER FROM MY SAVINGS ACCOUNT TO CHECKING EITHER.

MRS. GARCIA, WHEN DID YOU SAY YOU TRIED TO ACCESS YOUR SAVINGS ACCOUNT?

I TRIED LAST NIGHT ONLINE AND JUST NOW AT THE ATM. I KEEP GETTING AN ERROR MESSAGE.

IS THE SYSTEM DOWN?

NO, BUT IT SAYS YOU WITHDREW ALL OF YOUR SAVINGS AND CHECKING FUNDS AT 1:37 P.M. YESTERDAY AFTERNOON.

I'M JOHN RICHARDS, THE MANAGER OF THE BANK. WOULD YOU MIND JOINING ME IN MY OFFICE?

WHAT?! THAT'S IMPOSSIBLE!

WAIT HERE, PLEASE.



HOW COULD ANYONE GET MY FAMILY'S PERSONAL AND FINANCIAL INFORMATION?



UNFORTUNATELY, MR. GARCIA, THERE ARE SEVERAL WAYS.

STEALING MAIL FROM YOUR MAILBOX, DUMPSTER DIVING, PHISHING --

PHISHING? WHAT'S THAT?



CRIMINALS USE E-MAILS TO TRICK CONSUMERS INTO REVEALING PRIVATE DATA. THEY MIGHT SEND OUT THOUSANDS OF E-MAILS THAT LOOK OFFICIAL, TRYING TO "FISH" FOR INFORMATION.

IF *ONE* OUT OF A HUNDRED, OR EVEN OUT OF A *THOUSAND* PEOPLE "BITES," THEN THE CRIMINALS ARE ABLE TO USE THE INFORMATION THEY ARE GIVEN TO COMMIT FRAUD.



I'D *LIKE* TO THINK MY HUSBAND AND I ARE A LITTLE SMARTER THAN THAT.

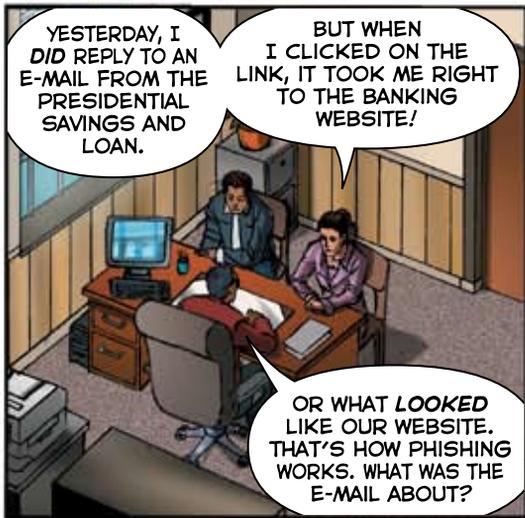
BEING CONNED HAS NOTHING TO DO WITH INTELLIGENCE, MRS. GARCIA.

THE E-MAIL "BAIT" THESE SCAMMERS SEND OUT LOOKS JUST LIKE THE REAL THING, *AND* FROM TRUSTED COMPANIES, INCLUDING THIS VERY BANK.



THIS BANK ...?

MARIA?
WHAT'S
WRONG?



YESTERDAY, I
DID REPLY TO AN
E-MAIL FROM THE
PRESIDENTIAL
SAVINGS AND
LOAN.

BUT WHEN
I CLICKED ON THE
LINK, IT TOOK ME
RIGHT
TO THE BANKING
WEBSITE!

OR WHAT *LOOKED*
LIKE OUR WEBSITE.
THAT'S HOW PHISHING
WORKS. WHAT WAS THE
E-MAIL ABOUT?



UPDATING
OUR
ACCOUNT.

OH,
MARIA ...



THAT'S HOW THEY
TRICK YOU. THE FAKE
E-MAIL USES PHRASES
LIKE "IMMEDIATE ATTENTION
REQUIRED" AND THEN
ADDS A LINK TO A
WEBSITE THAT LOOKS
LEGITIMATE.



I PUT IN *ALL* OF OUR
INFORMATION INTO THAT WEBSITE!
SOCIAL SECURITY NUMBERS,
PASSWORDS, *EVERYTHING!*

SHH -- IT'S GOING
TO BE ALL RIGHT.

YES, IT *WILL* BE. VICTIMS
OF IDENTITY THEFT ARE
PROTECTED.



MARIA, DO YOU
STILL HAVE THAT
E-MAIL?

Y-YES.

GOOD.
THEN OUR
NEXT STEP IS TO
TALK WITH THE
POLICE.



LATER AT THE POLICE STATION ...

OKAY, MRS. GARCIA. I'VE GOT EVERYTHING I NEED HERE. I'LL MAKE A COPY OF THE POLICE REPORT FOR YOU, AND THEN YOU CAN GO TO THE FEDERAL TRADE COMMISSION WEBSITE.

THANK YOU, OFFICER, BUT I'D RATHER STAY AWAY FROM WEBSITES RIGHT NOW.



THIS IS ONE YOU CAN TRUST. GO TO WWW.FTC.GOV.

YOU'LL GET STEP-BY-STEP INSTRUCTIONS ON EVERYTHING YOUR FAMILY NEEDS TO DO TO PREVENT ANY FURTHER FRAUD.



ONCE YOU'VE FILED YOUR COMPLAINT, YOU CAN PLACE FRAUD ALERTS WITH ALL THREE CREDIT-REPORTING AGENCIES.

THOSE FRAUD ALERTS WILL REQUIRE CREDITORS TO CONTACT YOU OR TAKE REASONABLE STEPS TO VERIFY YOUR IDENTITY.

AND SINCE YOU NOTIFIED THE BANK SO *QUICKLY*, WE CAN ASSIST YOU IN DETERMINING YOUR RIGHTS UNDER THE ELECTRONIC FUND TRANSFER ACT.



ALL THE BANK WOULD ASK IN RETURN IS YOUR HELP IN PROSECUTING THESE IDENTITY THEFT THIEVES THAT ARE USING OUR GOOD NAME.

OUR GOOD NAME AS WELL. DON'T WORRY. WHEN THIS GOES TO TRIAL, WE'LL BE THERE.



EVEN IF THE ELECTRONIC FUND TRANSFER ACT DOES ALLOW US TO LIMIT OUR LIABILITY AND HAVE OUR ACCOUNT RECREDITED, WHAT ABOUT OUR *CREDIT*?

WE HAVE THE FRAUD ALERTS IN PLACE AND CAN REPORT IT THROUGH THE FEDERAL TRADE COMMISSION.



THIS IS ALL *MY* FAULT. I SHOULD HAVE PAID MORE ATTENTION.

NO, IT ISN'T. THE PEOPLE WHO SENT US THAT *E-MAIL* ARE THE CRIMINALS HERE.



THE *E-MAIL* LOOKED SO REAL AND SO DID THE FAKE SITE FOR THE BANK.

I KNOW. I WOULDN'T HAVE GIVEN IT A SECOND THOUGHT *EITHER*. IT --

MAMA?



I WANT TO KEEP *THIS* ONE. HIS NAME IS *RUFUS*.

RUFUS?

LIKE MY FRIEND AT SCHOOL.

WELL, I'M SURE HE'LL BE FLATTERED. GO AHEAD AND PUT HIM BACK. WE'LL NEED TO EAT DINNER SOON.



MARIA, LISTEN TO ME. IF I HAD OPENED THE *E-MAIL* FIRST, I WOULD HAVE DONE THE SAME THING *YOU* DID AND GONE RIGHT TO THAT WEBSITE.

WE'VE BOTH LEARNED A LOT TODAY, BUT WE'VE DONE ALL WE CAN DO. NOW WE JUST HAVE TO WAIT. THE POLICE WILL TAKE IT FROM HERE.

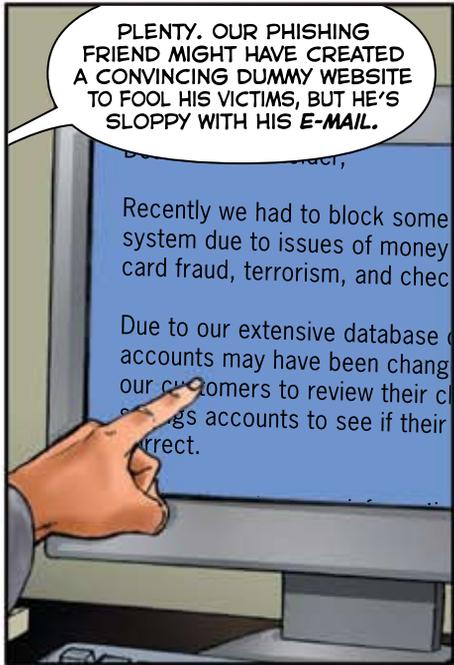


I KNOW YOU ARE RIGHT, JAVIER, BUT I CAN'T SIT BY AND DO NOTHING. WE CAN'T BE THE ONLY ONES WHO WERE VICTIMS HERE -- WE *CAN'T* BE ALONE.



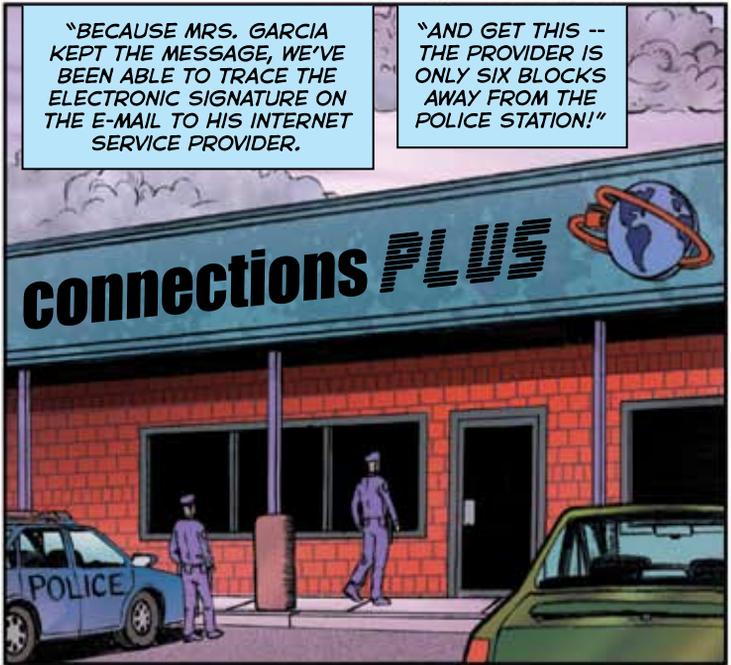
"PEOPLE SHOULD KNOW HOW ONE SIMPLE E-MAIL CAN CHANGE THEIR LIVES IF THEY ARE NOT CAREFUL."

SO WHAT DO WE HAVE?



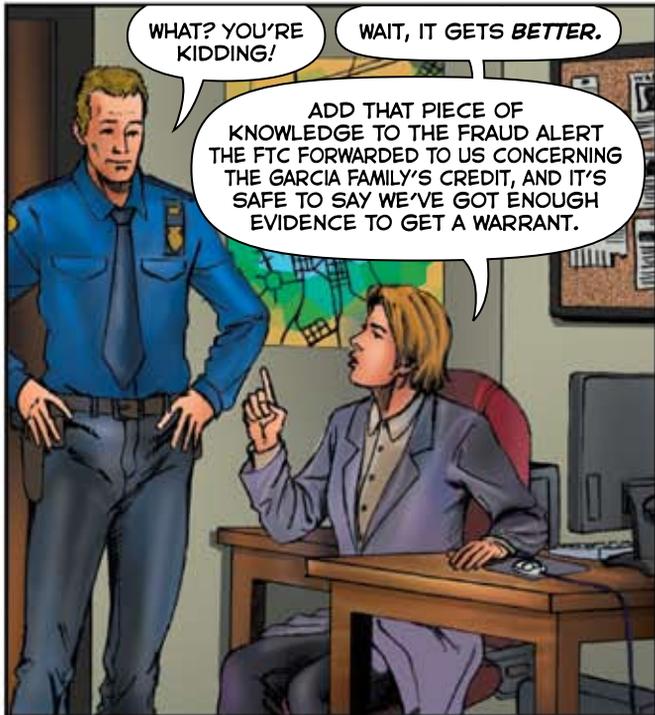
PLENTY. OUR PHISHING FRIEND MIGHT HAVE CREATED A CONVINCING DUMMY WEBSITE TO FOOL HIS VICTIMS, BUT HE'S SLOPPY WITH HIS E-MAIL.

Recently we had to block some system due to issues of money card fraud, terrorism, and che
Due to our extensive database o accounts may have been chang our customers to review their cl our sngs accounts to see if their rrect.



"BECAUSE MRS. GARCIA KEPT THE MESSAGE, WE'VE BEEN ABLE TO TRACE THE ELECTRONIC SIGNATURE ON THE E-MAIL TO HIS INTERNET SERVICE PROVIDER.

"AND GET THIS -- THE PROVIDER IS ONLY SIX BLOCKS AWAY FROM THE POLICE STATION!"



WHAT? YOU'RE KIDDING!

WAIT, IT GETS BETTER.

ADD THAT PIECE OF KNOWLEDGE TO THE FRAUD ALERT THE FTC FORWARDED TO US CONCERNING THE GARCIA FAMILY'S CREDIT, AND IT'S SAFE TO SAY WE'VE GOT ENOUGH EVIDENCE TO GET A WARRANT.



BASED UPON MY REVIEW OF YOUR SWORN AFFIDAVIT, I FIND THERE IS PROBABLE CAUSE YOU WILL FIND EVIDENCE OF COMPUTER THEFT IN THE DEFENDANT'S RESIDENCE.

THEREFORE, I AM ISSUING THE WARRANT AND AUTHORIZING THE POLICE TO SEARCH THE DEFENDANT AND HIS RESIDENCE.



I TOLD YOU AND YOUR HUSBAND TO BE PATIENT, MRS. GARCIA, AND THAT PATIENCE IS ABOUT TO PAY OFF.



THANKS TO THE FRAUD ALERTS FROM THE FTC AND OUR COMPUTER EXPERTS, WE HAVE OUR FIRST SOLID LEAD.

ARE YOU SITTING DOWN?

SHOULD I BE?



WE THINK WE HAVE YOUR CYBER-CRIMINAL, AND HE LIVES RIGHT HERE IN ARBOR!

WHO IS IT?

THE POLICE! THEY THINK THEY'VE FIGURED OUT WHO TRICKED ME WITH THE FAKE WEBSITE!

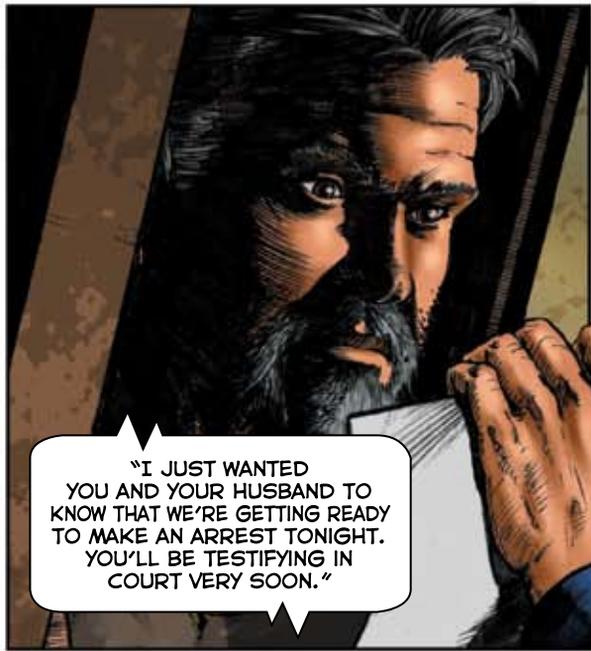


I WAS SURPRISED HE WAS OPERATING OUT OF A LOCATION SO CLOSE, BUT IT MAKES SENSE.

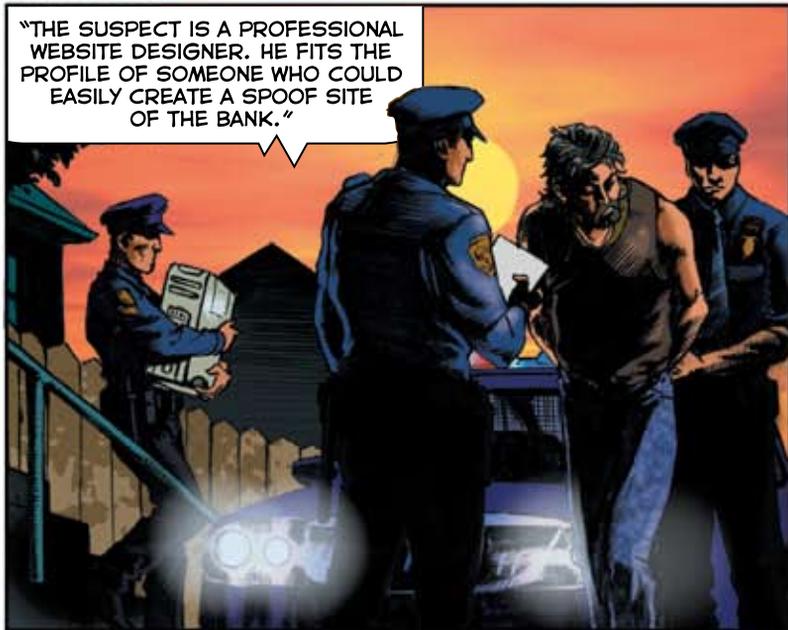
WHY IS THAT?



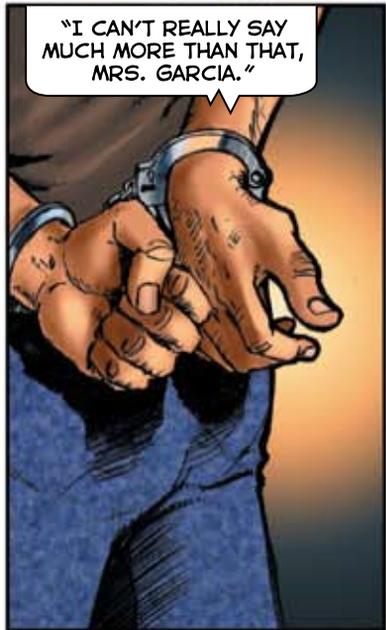
"THE PRESIDENTIAL SAVINGS AND LOAN IS NOT PART OF A NATIONWIDE CHAIN AND ONLY HAS BRANCHES IN *THIS* PART OF THE STATE."



"I JUST WANTED YOU AND YOUR HUSBAND TO KNOW THAT WE'RE GETTING READY TO MAKE AN ARREST TONIGHT. YOU'LL BE TESTIFYING IN COURT VERY SOON."



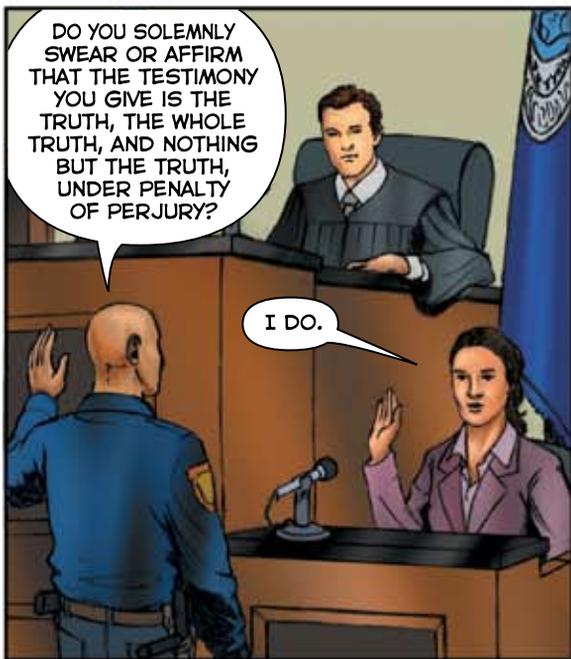
"THE SUSPECT IS A PROFESSIONAL WEBSITE DESIGNER. HE FITS THE PROFILE OF SOMEONE WHO COULD EASILY CREATE A SPOOF SITE OF THE BANK."



"I CAN'T REALLY SAY MUCH MORE THAN THAT, MRS. GARCIA."

"THANK YOU, OFFICER. *THANK YOU!*"





DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU GIVE IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, UNDER PENALTY OF PERJURY?

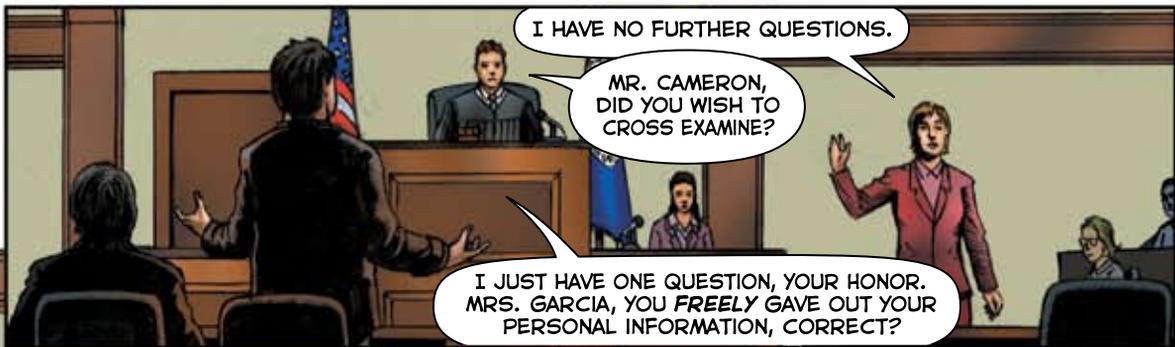
I DO.



MARIA, IN YOUR OWN WORDS, PLEASE TELL THE COURT ABOUT YOUR EXPERIENCE AND HOW IT HAS IMPACTED YOUR FAMILY.



WELL, IT ALL STARTED WITH AN E-MAIL ...



I HAVE NO FURTHER QUESTIONS.

MR. CAMERON, DID YOU WISH TO CROSS EXAMINE?

I JUST HAVE ONE QUESTION, YOUR HONOR. MRS. GARCIA, YOU **FREELY** GAVE OUT YOUR PERSONAL INFORMATION, CORRECT?



YES, BUT --

THANK YOU. WAS THERE ANY **COERCION** TO HAVE YOU DO SO?



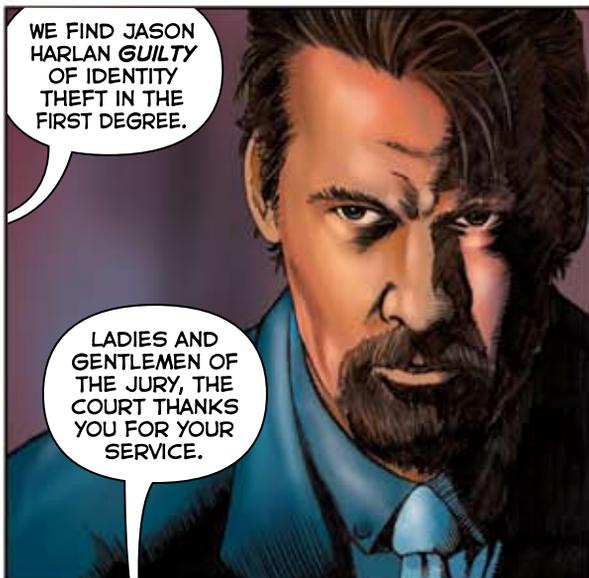
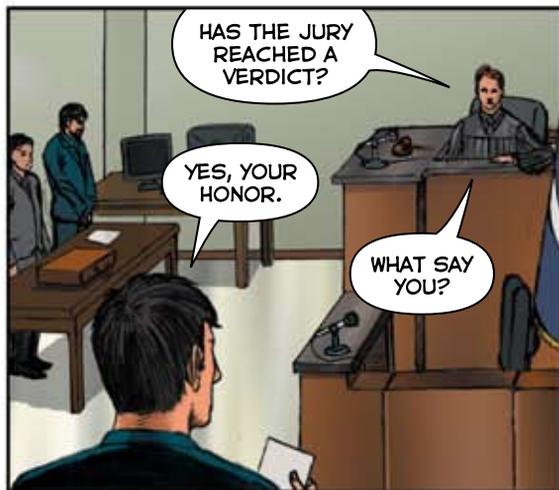
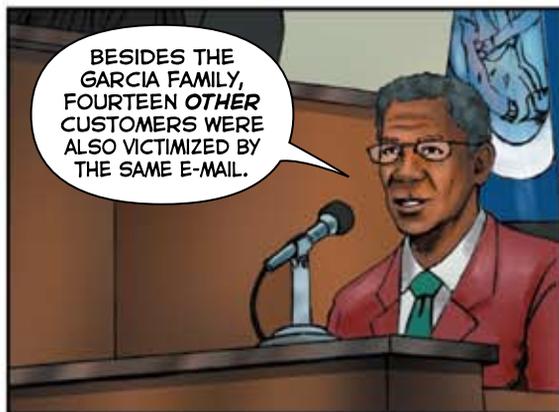
JUST TO BE CLEAR, YOU **NEVER** INTENDED TO GIVE THE DEFENDANT PERMISSION TO REMOVE MONEY FROM YOUR BANK ACCOUNTS.



I THOUGHT I WAS ON MY **BANK'S** WEBSITE.



OF COURSE NOT. I DON'T EVEN **KNOW** THE DEFENDANT.





I THOUGHT *THIS* LITTLE GUY WOULD BE PERFECT FOR YOU. HE IS THE LAST OF THE LITTER.

HE'S SO CUTE! THANK YOU!



I'VE BEEN LOOKING FOR A DOG TO KEEP MY GRANDMOTHER COMPANY WHILE I'M OVERSEAS NEXT YEAR.

WHERE ARE YOU TRAVELING?



I'VE BEEN ACCEPTED INTO AN INTERNATIONAL EXCHANGE PROGRAM IN INDIA WHERE I WILL BE STUDYING *PHARMACEUTICALS* FOR SIX MONTHS.



I'VE HEARD ABOUT YOUR CASE, MRS. GARCIA. IT WAS GOOD TO SEE THAT THE PERSON WHO DID THIS TO YOUR FAMILY IS GOING TO PRISON.

THANK YOU, MEGAN. JUSTICE WAS SERVED.

WERE YOU ABLE TO GET BACK YOUR MONEY?

WE WILL, BUT IT'S A COMPLICATED PROCESS.



YOU FOUND JUSTICE BY TRUSTING THE COURTS AND THE LAWS THAT ARE IN PLACE TO PROTECT VICTIMS OF IDENTITY THEFT.

BELIEVE ME, I KNOW HOW MISUSE OF THE INTERNET CAN GET YOU IN TROUBLE!

WELL, IF WHAT MY FAMILY WENT THROUGH HELPS *OTHERS* TO STAY SAFE, THEN IT WAS ALL WORTH IT.

THE END

OUR STATE COURT SYSTEM

COURTS UPHOLD THE CONSTITUTION AND PROTECT OUR RIGHTS.

The public depends on strong courts, as one of the three equal branches of government, to uphold the Constitution and to rule on cases fairly and impartially, based upon the facts and the law. Strong courts are an essential part of democracy and provide vital balance in our government.

More than 99 percent of all criminal cases in the United States are initially heard and resolved in our state courts. These cases are heard in various limited and general jurisdiction courts in all fifty states.

Each state also has a process of appellate review. Here parties can have their cases reviewed by the Intermediate Appellate Courts (most generally referred to as the Courts of Appeal) and then the Courts of Last Resort (referred to in most states as the State Supreme Court). A very small number of those cases are eligible for further appellate review by the federal courts, including ultimately the Supreme Court of the United States.

CRIMINAL LAW TERMINOLOGY

Criminal Law: This area of law prohibits certain kinds of actions. If someone commits a crime, they may be tried in court. In a criminal trial, the government (prosecutor) charges a person (defendant) for allegedly violating the law. If the defendant is found guilty, he/she will face a punishment decided by the court.

Acquittal: When a defendant is found not guilty in a criminal case.

Conviction: When the defendant has pled guilty or no contest or has been found guilty of a crime in a criminal case.

Felony: A crime where the defendant can be sentenced to more than one year in prison.

Misdemeanor: A lesser crime where the defendant can be sentenced up to one year in jail.

Violation: An infraction where the defendant can be sentenced to pay only a monetary fine.

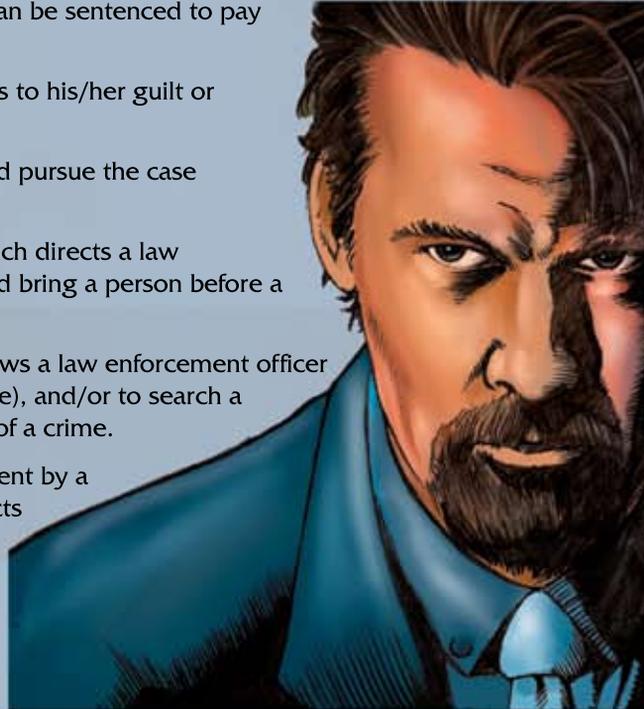
Plea: Statement made by the defendant either as to his/her guilt or innocence to the charges made against him/her.

Prosecute: To charge a person with a crime and pursue the case through trial on behalf of the government.

Arrest Warrant: An order (writ) of a court which directs a law enforcement officer (usually a sheriff) to arrest and bring a person before a judge.

Search Warrant: An order of a judge that allows a law enforcement officer to enter and search a location (such as a residence), and/or to search a person or object (such as a vehicle) for evidence of a crime.

Probable Cause Affidavit: A sworn statement by a law enforcement officer setting forth sufficient facts to establish probable cause that a particular person has committed a crime and that evidence of that crime will be located in a particular place. This affidavit is required for a judge to issue a search warrant.



WHO IS IN THE COURTROOM?



JUDGE - An elected or appointed public official with the authority and responsibility to preside in a court, try lawsuits, and make legal rulings.

BAILIFF - A court official, usually a deputy sheriff, who keeps order in the courtroom.

DEFENDANT - The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution.

DEFENSE ATTORNEY - An attorney who is employed by the defendant or who is assigned at public expense, to represent people accused of crimes. (criminal trial only)



WITNESS -A person who testifies under oath in a trial with first-hand or expert evidence useful in the case.

COURT REPORTER -
The person who records all that is said in the courtroom during a trial.

JURY -A panel of citizens selected by the court to determine the truth of evidence presented and to decide the case.

PROSECUTOR -Generic term for the government's attorney in a criminal case. (only in criminal trial)

PLAINTIFF -The party who initiates a lawsuit against the defendant(s) demanding a legal remedy, i.e. damages. (only in civil trial)



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National Center for State Courts
www.ncsconline.org

WILLIAMSBURG, VA

300 Newport Avenue
Williamsburg, VA
23185-4147

DENVER, CO

707 Seventeenth Street
Suite 2900
Denver, CO 80202-3429

ARLINGTON, VA

2425 Wilson Boulevard
Suite 350
Arlington, VA
22201-3326

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