Glossary

Ambiguity language that has more than one meaning; often used interchangeably with equivocal

Appeal a challenge to a previous legal determination

Arrest the use of legal authority to deprive a person of their freedom of movement

Bright-line rule an objective rule that resolves legal questions in a straightforward manner and helps resolve ambiguous issues by setting a basic standard that clarifies the ambiguity and establishes a simple response

Broad interpretation the interpretation or liberal construction of a constitutional or statutory provision that applies the original intent, purpose, and spirit of the writing to circumstances that are not specifically addressed by the constitution or statute

Case law law that is based on judicial decisions rather than law based on constitutions, statutes, or regulations

Clarification standard in custodial interrogation, a means by which the intent of an equivocal/ambiguous invocation may be clarified

Concurring (opinion) an opinion that agrees with the majority opinion but does not agree with the rationale behind it and not binding law

Custodial interrogation the questioning of a detained person by the police in connection with a criminal investigation, where the detained person may or may not be under arrest, and whenever they are not free to leave for other reasons

Custody in criminal law, a person is in custody when/after being arrested or convicted of a crime

Defendant in a criminal case, the person accused of the crime

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De novo a court deciding issues anew without reference to any legal conclusion or assumption made by the previous court

Detention in criminal law, to detain an individual is to hold them in custody

Dissenting (opinion) an opinion filed by a judge who disagrees with the majority decision of a case and not binding law

En banc a decision by the full court of all the appeals judges

Equivocal a general rule when an expression may be taken in two senses

Habeas corpus a writ of *habeas corpus* is used to bring a prisoner or person detained before the court to determine if the person's imprisonment or detention is lawful

Harmless error an error by a trial judge in the conduct of a trial that an appellate court finds was not damaging enough to the appealing party's right to a fair trial to justify reversing the judgment, or to warrant a new trial

Judicial panel a set of judges who hear a cause of action, most frequently an appeal from a ruling of a trial court judge

Majority (opinion) a judicial opinion that is joined by more than half the judges deciding a case

Motion a request to a judge for an order or judgment

Opinion the explanation of a court's judgment – these may be published/unpublished depending on whether the opinion has precedential value

Per curiam an opinion issued by the Court rather than by specific justices

Per se generally used in the law to mean that without referring to anything else, it is self-evident or inherent

Petitioner the party who presents a petition to the court

Rights a power or privilege held by individuals as the result of a constitution, statute, regulation, judicial precedent, or other type of law

Ruling a court's decision or judgment

Suspect a person who is believed to have committed a crime, but has not yet been found guilty

Unequivocal free of ambiguity or vagueness

Verdict a judicial decision given by a judge or court

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Voluntariness a choice made of free will, rather than as the result of coercion or duress

Waiver an act of voluntarily giving up a right

Writ a written order of a judge requiring specific action by the person or entity to whom the writ is directed

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