

## Legal Definitions

Appeal - A request to have the case heard over again in Circuit Court.

Arraignment - A court appearance in which charges are read and the defendant enters their plea. This is usually the first court appearance after a person is cited or arrested.

Arrest - Taking custody of another person for the purpose of holding him/her to answer to a criminal charge. This usually involves a police officer taking a person to jail.

Assessment - By Oregon law, the court must add certain fees whenever a fine is imposed. These assessments go to the State of Oregon and to Lane County.

Bail - Amount owed for a parking citation. (For other offenses, see Base Fine and/or Security.)

Base Fine - The amount listed on the citation for a violation. A defendant may pay this amount or appear in court. A judge may increase or decrease the base fine imposed.

Base Fine Forfeiture - Paying the base fine amount in lieu of appearing in court, when a court appearance is optional. A base fine forfeiture is viewed as a conviction by the DMV.

Change of Plea - Prior to the court rendering judgment on a case, the defendant has the right to change his/her plea. Generally, this occurs as part of a settlement and involves a change-of-plea from not-guilty to guilty.

Circuit Court - Lane County Circuit Court, 125 East 8th Avenue, Eugene, Oregon 97401, 541-682-4020

Citation - An order to appear before the Eugene Municipal Court for a statute or ordinance violation. The citation specifically states information about the person accused of the violation, the statute or ordinance that was violated, where and how the violation occurred and the date the accused must appear in court or do something about the citation. A copy of the citation is given to the person accused of the violation. The original copy is given to the court when the charge is formally filed.

Closed - The court has made a final disposition on the case. Reasons for closing the case may be any of the following:

- all money due has been paid in full,
- the case has a suspended sentence,
- the judgment was permanently stayed,
- all conditions of the sentence have been completed,
- the case was dismissed or withdrawn from prosecution,
- or the defendant was found not guilty.

Collections Department - Collections staff at the court assist defendants in making payment agreements and monitor payments according to the established schedule. If payments are not made further action is taken as appropriate, including driver's license suspension, issuing an order to show cause and/or warrant. In addition the outstanding account may be transferred to a private collection agency.

Collection Status - A case in collection status is a case that has been assigned to a private collection agency.

Community Service - A program administered by Lane County Adult Corrections where an offender volunteers to work a certain number of hours at an assigned work site as part of a sentence or in lieu of fines. The court may sentence an offender to community service for any offense.

Complaint - The City's statement accusing a named person of committing a specific offense. This statement includes the ordinance violation charged against the defendant, and a statement of the facts upon which the statement is based.

Complainant - One who signs a complaint.

Concurrent - A sentence that is fulfilled at the same time as a sentence on another case.

Consecutive - A sentence that precedes or follows a sentence on another case.

Contempt of Court - Any act calculated to embarrass, hinder or obstruct a court in administration of justice, or calculated to lessen its authority or dignity. A contempt-of-court charge may result in a jail sentence.

Continuance - The postponement of a trial or other proceeding to a future date.

Convict - To prove or find guilty

Court-Appointed Attorney - Publicly-funded legal counsel provided to defendants who are financially eligible and have been charged with a crime. (See misdemeanor)

Crime - See Misdemeanor.

Custody - To be held by police or in the jail.

Defendant - A person who has been officially charged with a violation of a state statute or municipal ordinance.

Deferred Prosecution - See Diversion

Deliberate - When a jury discusses a case and reaches a verdict.

Dismiss - To conclude a case without any further consideration or hearing.

Disposition - The final outcome of a case.

Diversion - A program that mandates defendants to abide by certain conditions that, if successfully completed, may lead to dismissal of the charges.

Exclusion Order - A court order requiring a person to stay out of specified area of the city for a designated period of time. Variances to allow entry for certain reasons may be granted by the court or City Manager's Office depending on exclusion type. See City Code Sections 4.747 and 4.874. [Link to City Code](#)

Expunge - The act of physically destroying or sealing a case record or removing a criminal conviction from a defendant's record.

Financial Affidavit - A sworn affidavit which discloses his/her financial ability to pay fines or fees imposed by the court and eligibility for a court-appointed attorney.

Fine - An amount which the court has ordered defendant to pay.

Forfeit - Money paid as bail or base fine, or security that is retained by the court.

Guilty-by-Default Judgment - A judgment of guilty made by the court when the defendant fails to appear at a scheduled court appearance. A Notice of Default Judgment is sent to the defendant.

Indigent - The inability to pay for an attorney or sums imposed by the court. Indigent status is determined by the court based on review of financial affidavit. (See Financial Affidavit) The indigent status of the defendant may change.

Judge - The presiding and associate judges are selected by the City Council to adjudicate or make decisions in cases filed in Eugene Municipal Court. The Presiding Judge appoints assistant judges.

Judgment - A conclusion or order that the court makes on any case.

Jury - A panel of six people selected from a random sample of property tax records and voter registrations who weigh evidence and reach a verdict in a trial.

Matrix - A method used by Lane County Adult Corrections (LCAC) to regulate jail capacity, which may result in release of a defendant from custody.

Misdemeanor - A crime for which the defendant may request a jury trial and be eligible for a Court Appointed Attorney. Misdemeanors are punishable by fine and/or a jail term of not more than one year.

Motion - An oral or written request of the court made by the City or the defendant.

No Contest - A plea in which the defendant does not plead guilty or not guilty but agrees not to contest the case. The defendant normally will receive the same sentence as if a guilty plea has been entered.

Ordinance - A rule established by the City Council to regulate the conduct of city affairs and the behavior of city inhabitants.

Payment Agreement - A payment plan that tracks the defendant's regular monthly payments towards one or more cases over a predetermined period of time.

Payment Due Date - The date by which the defendant must make designated payment. If the defendant does not comply by the due date, the defendant must appear before the court.

Plea - The response of a defendant to charges made by the City against him or her. A plea may be guilty, not guilty or no contest.

Postponement - See Continuance.

Probation - A sentence by the court that requires a defendant to fulfill certain conditions within a designated time. Failure to comply with the designated conditions may result in imposition of the maximum sentence. The defendant's compliance is monitored by the probation clerk.

Pro se - One who represents oneself in a court proceeding without the assistance of a lawyer.

Prosecutor - A person who brings legal action against another for a crime in the name of the City.

Released on Own Recognizance (ROR) - A court order that allows a person to be released from custody based on the obligation to post base fine or security as ordered.

Restitution - Compensation or reparation for the loss caused to another, sometimes ordered as a condition of probation.

Road Crew - A program administered by Lane County Adult Corrections for eligible offenders to provide labor for community clean-up and other projects while in the custody of a Deputy Sheriff.

Security - Sums paid to a court to guarantee a defendant's appearance on misdemeanor cases.

Sentence - The penalty imposed by the court on a defendant who has plead guilty, no contest or been found guilty of a charge.

Show Cause Order - An order of the court requiring the defendant to appear before a judge to present reasons for not having fully complied with a prior order of the court.

Summons - A notice to appear in court.

Suspended Sentence - A judgment of the court which is not effective so long as the defendant meets all conditions set by the court.

Trial - Court proceeding at which the City attempts to prove the guilt of the defendant. The defendant has the right but not the obligation to present testimony, including witnesses and evidence.

Trial Status - A court session that provides an opportunity for settlement offers to be presented to a defendant for his/her consideration, and disposition of cases where a settlement has been reached.

Validity Hearing - A determination by the court if an action by the city is valid.

Verdict - The decision by a judge or jury regarding whether guilt of a defendant has been proven..

Violation - An infraction or breach of the law, punishable by fine only.

Violations Bureau - An option provided by the court to resolve eligible violations with a reduction in the base fine. This will be handled by a court clerk rather than a judge.

Voir Dire - The process in which prospective jurors are questioned at the beginning of a trial as to their competency, bias or ability.

Waive - To voluntarily abandon or surrender a claim, privilege or right.

Warrant - A court order directing law enforcement officers to bring an individual before the court. A warrant is a legal document authorizing an arrest or search.