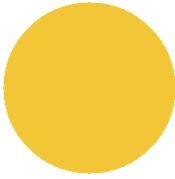


Select Post-Conviction Moments in Adult Criminal Cases

Icon	Definition
	<p>Abatement ab Initio</p> <p>A legal doctrine that operates to extinguish criminal proceedings and vacate a conviction when the convicted person dies while appellate review is pending or when the time for seeking such review has not expired.</p>
	<p>Appeal</p> <p>The process of seeking review of a conviction, court decision or procedure by a higher legal authority within the jurisdiction, based on the facts and circumstances reflected in the transcripts and documents associated with the criminal proceeding. This is commonly referred to as a “direct appeal.” Within the context of a state criminal proceeding, the appellate process commonly involves the review of a conviction, trial court decision, or procedure by an intermediate appellate court in the state; additional review of the intermediate court’s decision may be sought from the state’s highest court. If the issues raised on appeal involve federal constitutional rights, further review may be sought from the United States Supreme Court; grants of this review are rare.</p>
	<p>Conviction (or other disposition resulting in continued justice system oversight)</p> <p>Conviction generally occurs when the trier of fact in a case (either the jury or a judge if defendant waives the right to have the case heard by a jury) finds defendant guilty of a crime, or when defendant enters either a guilty plea, a “no contest” plea, or an <i>Alford</i> plea. In some jurisdictions, conviction itself does not occur until sentencing. In addition, justice system oversight may continue in cases involving findings of not guilty by reason of insanity or not guilty but mentally ill.</p>
	<p>Custody</p> <p>The physical control, detention or confinement of a person, following conviction or other disposition resulting in continued justice system oversight. Custody may include detention or confinement in a jail, prison or state hospital.</p>
	<p>Escape/Abscond</p> <p>Leaving custody (escaping) or leaving parole or probation supervision (absconding) without authorization.</p>

**Execution of Death Penalty**

The killing of a convicted person, in accordance with a sentence imposing the death penalty; the completion of a capital sentence punishment.

**Executive Clemency**

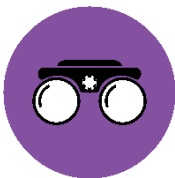
A power of the federal and state executive branches to grant forgiveness for a criminal offense or to lessen the punishment associated with a criminal offense.

**Expungement**

A court process by which a conviction may be “set aside” and the record of the conviction sealed, so that it no longer appears on a person’s criminal record and may no longer be required to be disclosed in some circumstances. Some jurisdictions use the term expunction in connection with this process.

**Federal Writ of Habeas Corpus**

A challenge to a conviction brought in federal court after the conclusion of any direct appeals or other post-conviction proceedings that is based on an assertion that a convicted person’s federal constitutional rights were violated. A common challenge involves claims of ineffective assistance of defense counsel.

**Parole**

A period of supervised release that occurs when a convicted person is released from custody before the full sentence term has been served. While on parole, a convicted person is subject to certain conditions of the parole. These conditions may include: making timely restitution payments, having no contact with a victim, geographic limitations on travel, engaging in community service work, attending specified treatment programs, not engaging in criminal conduct, and maintaining periodic check-ins with a parole officer, among others. This or similar concepts may also be referred to as post-prison supervision, supervised release, or other similar terms, depending on the jurisdiction.

**Parole Board**

A group of individuals responsible for deciding whether, and under what conditions, a convicted person may be released from custody before the full sentence has been served.

**Parole Modification**

A change in the conditions of parole.

**Parole Revocation**

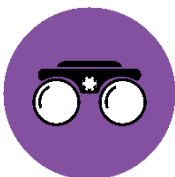
A penalty for violating condition(s) of parole that results in a convicted person returning to custody.

**Parole Violation**

A failure to comply with the conditions of parole. Penalties for violating condition(s) of parole may range from a verbal warning or the imposition of additional conditions of parole, up to parole revocation.

**Presentence Investigation**

An investigation and compilation of information typically prepared by a probation officer or agent of the court into a presentence report that is used by the court to aid in determination of defendant's sentence. The presentence report commonly includes information about defendant's background and any prior criminal history, as well as information about the impact of the convicted person's criminal conduct on the victim(s).

**Probation**

A period of supervision in the community that is imposed as an alternative to incarceration. While on probation, a convicted person is subject to certain conditions determined by the court. These conditions may include: making timely restitution payments, having no contact with a victim, electronic monitoring, geographic limitations on travel, engaging in community service work, attending specified treatment programs, not engaging in criminal conduct, and maintaining periodic check-ins with a probation officer, among others.

**Probation Modification**

A change in the conditions of probation.

**Probation Revocation**

A penalty for violating condition(s) of probation that terminates probation. Probation revocation commonly results in the imposition of the original sentence or re-sentencing.

**Probation Violation**

A failure to comply with the conditions of probation. Penalties for violating condition(s) of probation may include the imposition of additional conditions of probation, a period of confinement, or probation revocation.

**Protective Order**

A court order that prohibits or restricts a party from engaging in specified conduct. Protective orders may be civil or criminal in nature. Criminal protective orders are commonly issued as part of a convicted person's conditions of release and may include restrictions such as prohibiting contact with the victim. Criminal protective orders may also be issued to prevent disclosure or dissemination of victim-related information.

**Psychiatric Review Board**

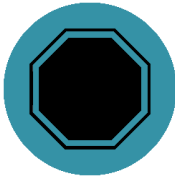
A group of individuals responsible for deciding whether, and on what terms, a person who has successfully asserted an insanity defense is able to be released from custody into the community.

**Public Records Request**

A process by which certain records in the possession of government record holders may be requested to be made available to the public for copying or inspection. Certain documents may be exempted from public disclosure, including in many jurisdictions some classes of victim-related information.

**Release from Custody**

The discharge from custody into the community of a person who has served a term of confinement or detention.

**Release from Supervision**

The end of the parole period and the requirement to adhere to its conditions.

**Release Pending Appeal**

A convicted person's freedom from custody while an appeal is pending. Such a release may be subject to terms and conditions, including paying a bond to guarantee the convicted person's return to court.

**Restitution**

Money a convicted person is ordered to pay to the victim(s) of the offense as part of a sentence or as a condition of probation. Restitution may be ordered for a broad range of already-expended and future economic losses incurred as a result of the convicted person's criminal conduct. A restitution hearing may be conducted in order to allow the court to determine the appropriate amount of restitution to order as part of the sentence. Jurisdictions have enacted differing approaches to the collection of restitution.

**Restorative Justice**

An approach to justice that emphasizes repairing the harm caused to individual victims and/or to the community as a result of criminal conduct. Common approaches include the opportunity for victim-offender dialogue, mediation, apology letter banks and victim impact panels.

**Re-trial**

A subsequent trial of defendant. Retrial may be ordered when a court finds that substantive or procedural errors occurred during the previous criminal proceeding that require the invalidation of a conviction. Re-trial may be ordered in the context of motions for a new trial, appeals, state post-conviction proceedings, or federal writ of habeas corpus proceedings.



Sentencing Hearing

This proceeding is where the judge determines the penalty for the defendant's criminal conduct. Sentencing proceedings commonly include an opportunity for victims to give a victim impact statement. Defendants are also commonly afforded the opportunity to speak at sentencing. Defense counsel, the prosecutor and the attorney for the victim(s) may also submit sentencing memoranda to the court in advance of this proceeding making legal arguments regarding the appropriate sentence.



Sex Offender Registration

An obligation imposed as part of a sentence that persons convicted of certain sex offenses comply with registration requirements and be enrolled on a sex offender registry, commonly by reporting address and other specified information to law enforcement. Sex offender registration information is frequently available to members of the public. The time period for registration requirements varies by state, and some jurisdictions permit convicted sex offenders to petition to terminate the registration requirement.



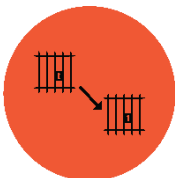
State Post-Conviction Proceedings

A challenge to the criminal proceedings that is initiated after a conviction is entered. This type of proceeding involves the introduction of evidence or arguments that were not made during trial and could not be challenged on direct appeal, and is frequently referred to as a collateral challenge to the conviction. Common post-conviction proceedings may include motions for a new trial, claims of innocence based on newly discovered evidence, and challenges to the effectiveness of defense counsel.



Termination of Probation

The end of probation, either through successful completion or revocation. Convicted persons may be able to seek termination of probation before the conclusion of the originally specified period.



Transfer

The movement of a person in custody between facilities, supervisory authorities and/or jurisdictions.



Victim Impact Statement

A written, oral or technology-assisted submission that may be presented personally or by representation and that addresses the impact of the criminal conduct on the victim and, at times, may also be permitted to include the victim's position on an appropriate sentence. Victim impact statements are typically made in connection with sentencing proceedings, presentence investigations and at parole.

Victims' Rights

Victims of crime have rights that can apply throughout the post-conviction processes. Common victims' rights include:



The Right to Notice



The Right to a Speedy Disposition



The Right to be Heard



The Right to Restitution



The Right to be Present



The Right to be Treated with Fairness, Dignity and Respect

* Some of the definitions in this document were adapted, in part, from those available in Black's Law Dictionary (10th ed. 2014).

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