



# Quick Legal Reference: Language and the Law

## Latin Court Terms

Term	What does it mean?	Legal Reference
ad litem (for the suit)	An individual appointed by the court in a specific case. For example, an attorney may be appointed as a guardian ad litem in a case to protect the interests of the child.	65.061, Family Code
capias (that you take)	A writ ordering an officer to take a person into custody	23.01, Code of Criminal Procedure  43.015(1), Code of Criminal Procedure
capias pro fine (that you take for the fine)	A writ ordering an officer to take a person into custody and bring that person before the court after judgment and sentence for unpaid fines and costs.	45.045, Code of Criminal Procedure  43.015(2), Code of Criminal Procedure
nunc pro tunc (now for then)	A method to correct a clerical discrepancy between what was actually ordered or was entered and what appears in the record. For example, a nunc pro tunc order to correct the omission of the defendant's name from the judgment.	Rule 23, Texas Rules of Appellate Procedure  <i>See Shaw v. State, 539 S.W.2d 887 (Tex. Crim. App. 1976)</i>
scire facias (you are to make known)	The term used to describe a separate civil docket for bond forfeiture proceedings. A case will be set on this docket when a forfeiture has been declared and a judgment nisi entered. Cases set on the scire facias are docketed as State of Texas (plaintiff) v Defendant and/or Surety (defendant).	22.10, Code of Criminal Procedure  Rule 26, Texas Rules of Civil Procedure



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## Misapplied Terms in Municipal Court

Term	What does it mean?	Misapplied to:
Abeyance	Various meanings in different municipal courts, including a motion to indefinitely suspend a case prior to trial, or dispose of a case through pre-trial diversion.	<p>Plea agreement</p> <p><b>Black's Law:</b> Temporary inactivity</p> <p><b>Colloquially:</b> Motion in Abatement Motion in Abeyance</p>
Alias warrant (also traffic warrant, fail to appear warrant, alias capias warrant)	Various meanings in different municipal courts, including (1) warrant issued when fails to make initial appearance, (2) warrant issued when sets a court date but fails to appear, (3) warrant issued when name is unknown, (4) second warrant issued in the same case, et al.	<p><b>Misapplied to:</b> Arrest Warrant Capias Capias Pro Fine</p> <p><b>Black's Law:</b> Additional writ issued after another writ of the same kind in the same case</p> <p><b>Also colloquially:</b> John Doe Warrant</p>
Arraignment	A setting that takes place for the purpose of fixing defendant's identity and hearing the plea. Required in all felonies and misdemeanors punishable by imprisonment. The Code of Criminal Procedure has specific waiver and timing requirements of the arraignment.	<p><b>Misapplied to:</b> Appearance</p> <p><b>Code:</b> 27.14(b), CCP 27.16, CCP 45.023, CCP 543.006, TC</p> <p><b>Colloquially:</b> Initial appearance</p> <p><b>But see:</b> 15.17(b), CCP</p>

<b>Term</b>	<b>What does it mean?</b>	<b>Misapplied to:</b>
Debt	A specific sum of money due by agreement. Referenced in recent lawsuits regarding fines, fees, and costs in municipal court.	<p>Fines, fees, costs</p> <p><b>Code:</b> 1.02, PC 12.01, PC 45.041(a), CCP Chapter 102, CCP Chapter 103, CCP</p>
Instanter	Various meanings in different municipal courts, including the use by peace officers when a person refuses to sign a citation.	<p><b>Misapplied to:</b> Defendant's signature</p> <p><b>Code:</b> 543.005, TC</p> <p><b>Black's Law:</b> Instantly; at once</p> <p><b>Colloquially:</b> Appear instanter Warrant to issue instanter</p>
Judgment Notwithstanding the Verdict (JNOV)	In civil cases, the court may disregard any jury finding on a question that has no support in the evidence. TEX. R. CIV. P. 301.	<p><b>Misapplied to:</b> Motion for New Trial Directed Verdict</p> <p><b>Caselaw:</b> Savage v. State, 933 S.W.2d 497 (Tex. Crim. App. 1996)</p>
Minor infraction	Criminal offenses in other states are oftentimes organized as "petty" offenses or "infractions" that are not criminal in nature. They may be akin to civil penalties.	<p><b>Misapplied to:</b> Misdemeanor Class C misdemeanor</p> <p><b>Code:</b> 12.03, PC</p> <p><b>Colloquially:</b> Petty offense Petty misdemeanor</p>
Pretrial intervention	Formal program operated by a community supervision and corrections department. Certain fees may be collected from participants by the department, county attorney's office, or district attorney's office.	<p><b>Misapplied to:</b> Plea agreement</p> <p><b>Colloquially:</b> Pre-trial diversion Deferred prosecution</p>

<b>Term</b>	<b>What does it mean?</b>	<b>Misapplied to:</b>
Sentence	The formal punishment for a crime	Commitment  <b>Code:</b> 12.23, PC 12.41, PC 37.07§2(a), CCP 43.01, CCP 45.041(b), CCP  <b>Black's Law:</b> After finding a criminal defendant guilty, the punishment imposed on a criminal wrongdoer
Verdict	Written declaration of the jury's decision (guilty or not guilty)	<b>Misapplied to:</b> Sentence Fine  <b>Code:</b> 37.01, CCP 37.07§1(b), CCP



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## Multiple Meanings

	<b>What does it mean?</b>	<b>Legal Reference</b>
Citation (criminal)	Written notice to appear issued only by a peace officer in a criminal case. May serve as the charging instrument.	543.003, TC 14.06(b), CCP 27.14(d), CCP
Citation (civil)	Formal notification to appear and show cause why a judgment of forfeiture should not be made final. Attachments include a copy of the judgment of forfeiture, copy of the bond, and copy of any power of attorney	22.04, CCP
Complaint (Class C)	Sworn allegation charging a class c or fine-only misdemeanor. Required to substantially satisfy seven requisites	45.018, CCP 45.019, CCP
Complaint (Class C Non-traffic School Offense)	Sworn allegation charging the commission of a school offense. Required to substantially conform to 45.019 plus be sworn to by a person with personal knowledge, include a statement whether accused is eligible for special services, and whether graduated sanctions were imposed (if required)	37.141, EC 37.146, EC
Complaint (Class B or A)	Sworn allegation that a class b or class a misdemeanor has been committed. Signed and sworn to by the complainant. Forms the basis for an information to be filed.	2.04, PC 2.05, PC 15.04, CCP 15.05, CCP
Petition (criminal)	Method by which a party may ask the Court of Criminal Appeals to review a court of appeals decision in a criminal case	Rule 68, TRAP
Petition (civil)	Initiates an action by the state against a child who has allegedly engaged in truant conduct. Based on information and belief.	65.054, FC



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## Number Phrases

Term	What does the reference typically mean?	Legal Reference
12.45	On agreement with the prosecutor, a defendant may admit to other offenses during a plea to another case. Prosecution is then barred on the other offenses without adjudication.	Penal Code
27.14	Specifically 27.14(b). A request for the court to notify defendant of the amount of appeal bond that the court will approve. Often precedes a "leap frog" appeal.	Code of Criminal Procedure
15.17	Specifically the warnings in 15.17(a). Requirement that a magistrate inform an arrested person of the accusation and specific rights, referred to as warnings. Must be reported on the monthly OCA report.	Code of Criminal Procedure
32.02	Authority for the prosecutor, by permission of the court, to move for dismissal	Code of Criminal Procedure
404(b)	A required notice that a prosecutor must provide defendant prior to trial. Only applicable when the prosecutor intends to introduce evidence of other crimes at trial and defendant requests the notice.	Texas Rules of Evidence

## CHRONOLOGICALLY DISTINGUISHING THE WARRANT, CAPIAS, AND CAPIAS PRO FINE IN THE TEXAS CODE OF CRIMINAL PROCEDURE

Purpose	Prior to Formal Charging	After Formal Charging but Prior to Judgment	After Judgment and Sentence
<b>Bond Forfeiture or Surrender of Principal</b>	“Arrest Warrant” by <i>Magistrate</i> – Article 17.19	“Chapter 23 Capias” by <i>Trial Court</i>	
<b>To Procure Custody</b>	“Arrest Warrant” upon oath of affirmation & determination of probable cause by <i>Magistrate</i> – Specific Provision: Article 45.014 “Arrest Warrant” by <i>Municipal                      Court or Justice Court</i>	“Chapter 23 Capias” by <i>Trial Court</i> – Specific Provision: Article 45.014 “Arrest Warrant” by <i>Municipal                      Court or Justice Court</i>	“Chapter 43 Capias” by <i>Trial Court</i> – Article 43.015(1) – Article 43.04
<b>To Enforce Judgment for Unpaid Fines and/or Costs</b>			“Capias Pro Fine” by <i>Trial Court</i> ❖ General Provisions – Article 43.015(2) – Article 43.021 – Article 43.05 – Article 43.06 – Article 43.07 ❖ Specific Procedures in Chapter 45 Courts – Article 45.045 – Article 45.046 ❖ Specific Procedures in Other Trial Courts – Article 43.03