

Glossary: M

Magna Carta (*also The Great Charter*). Legal document that secured both civil and criminal rights for the nobility in England in 1215; a forerunner to the American Bill of Rights.

Magistrate. A judge who handles cases in pretrial stages, usually presides over a lower court.

Mala Fides. [Latin.] Bad faith.

Mala In Se. [Latin]. Illegal acts that are wrong in themselves.

Mala Prohibita. [Latin]. Acts that are illegal merely by legislative design; acts that are not inherently evil.

Malfeasance. Misconduct in public office.

Malice Aforethought. The common-law designation of murder *mens rea*; covers a wide range of mental states.

Malicious Prosecution. Action taken against someone without probable cause.

Mandamus. *See Writ of Mandamus*.

Mandatory Transfer. The automatic waiver of a juvenile to adult court based on the age of the offender and the seriousness of the crime.

Mandatory Release. A prisoner cannot be forced to serve a sentence longer than the statutory maximum.

Manslaughter. The killing of another without the specific intent to kill; a killing without malice aforethought.

Mapp v. Ohio. [[367 U.S. 643](#) (1961)]. Applied the exclusionary rule established in [Weeks v U.S.](#) (1914) to the states via the 14th Amendment.

Martin v. Ohio. [[480 U.S. 228](#) (1987)]. "It is not a violation of the Due Process Clause for Ohio to place the burden of proving self-defense on a defendant charged with committing aggravated murder."

Maryland v. Buie. [[494 U.S. 325](#) (1990)]. "The Fourth Amendment permits a properly limited protective sweep in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene."

Maryland v. Craig. [[497 U.S. 836](#) (1990)]. "Maryland's interest in protecting child witnesses from the trauma of testifying in a child abuse case is sufficiently important to justify the use of its special procedure [using one-way closed circuit television to show the child's testimony in the courtroom], provided that the State makes an adequate showing of necessity in an individual case."

Maynard v. Cartwright. [[486 U.S. 356](#) (1988)]. Death penalty statute language calling for a killing to be "especially heinous, atrocious, or cruel" represents a Due Process Clause violation because of its vagueness.

Maslow's Hierarchy of Needs. *See full article titled [Maslow's Hierarchy of Needs](#)*

Mark System. An early form of parole developed by Maconochie whereby prisoners demonstrate their rehabilitation by earning points for good behavior.

Material Witness. Any witness who has relevant testimony about a crime.

Maximum-security Prison. A penal facility designed to house inmates who are dangerously violent or pose a high risk of escape.

Mediation. Informal conflict resolution through a neutral negotiator.

Medical Model. Mode of criminological thinking that treats crime as a product of disease.

Mens Rea. [Latin.] The guilty mind; the intent to commit a crime.

Mentally Ill Inmates. *See full article titled [Mentally Ill Inmates](#)*

Mere Presence Rule. In accomplice liability, the idea that a person's presence at the scene of a crime does not alone satisfy the *actus reus* requirement.

Michigan v. Harvey. [[494 U.S. 344](#) (1990)]. "...voluntary statements taken in violation of Fifth Amendment prophylactic rules, while inadmissible in the prosecution's case in chief, may nevertheless be used to impeach the defendant's conflicting testimony."

Michigan v. Mosley. [[423 U.S. 96](#) (1975)]. A second interrogation after **Miranda** has been invoked is not a violation where the suspect's "right to cut off questioning was scrupulously honored, the police having immediately ceased the robbery interrogation after respondent's refusal to answer and having commenced questioning about the murder only after a significant time lapse and after a fresh set of warnings had been given respondent."

Michigan v. Summers. [[452 U.S. 692](#) (1981)]. "For Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted."

Michigan Dept. of State Police v. Sitz. [[496 U.S. 444](#) (1990)]. Highway sobriety checkpoint programs that systematically (e.g., every nth vehicle) stop motorists in a nondiscriminatory manner are consistent with the Fourth Amendment.

Military Police. Military personnel who are specially trained to perform law enforcement functions on military bases.

Mill, John Stuart. See entry for the [Internet Encyclopedia of Philosophy](#).

Miller v. California. [[413 U.S. 15](#) (1973)]. Created the Miller standard for determining obscenity, which requires material to appeal to a "prurient interest"; this overturned the older standard of the material having "no redeeming social value."

Mincey v. Arizona. [[437 U.S. 385](#) (1978)]. "The "murder scene exception" created by the Arizona Supreme Court to the warrant requirement is inconsistent with the Fourth and Fourteenth Amendments, and the warrantless search of petitioner's apartment was not constitutionally permissible simply because a homicide had occurred there."

Minimum-security Prison. A prison characterized by few physical barriers to escape and often many programs for inmates.

Miranda v. Arizona [[384 U.S. 436](#) (1966)]. See **Miranda Warnings**.

Miranda Warnings. A warning given to suspects by law enforcement to advise suspects of their legal rights to counsel, to refuse to answer questions, the right to avoid self incrimination, and other rights; established by [Miranda v. Arizona](#) (1966).

Misdemeanant. A person convicted of a misdemeanor.

Misdemeanor. Crime punishable by fines and imprisonment for periods of less than one year; usually in local jails. Compare with [Felony](#).

Mistake. An affirmative defense that alleges that an act was not criminal because the defendant did not know the act was prohibited. See also **Mistake of Fact** and **Mistake of Law**.

Mistake of Fact. Ignorance of a fact; can be the basis for a successful criminal defense.

Mistake of Law. An incorrect belief about the law; generally cannot be used as a criminal defense.

Mistrial. A trial that is not valid; most often occurs because of a hung jury.

Mitigating Circumstances. Factors about a crime that might lessen the severity of punishment.

Mittimus. [Latin] A court order demanding a named person be brought directly to jail.

M'Naghten Rule. In the law of the insanity defense, a test for insanity that hinges on the defendant's ability to distinguish right from wrong.

Model Penal Code. Guidelines for criminal codes in the United States developed by the [American Law Institute](#).

Modus Operandi. [Latin.] The characteristic methods used by a repeat offender.

Money Laundering. Activity designed to conceal the origins of money.

Moral Rationalism. *See* entry for the [Internet Encyclopedia of Philosophy](#).

Motion for a Bill of Particulars. A request that the court force the prosecution to reveal the details of a case to the defense.

Motion for Change of Venue. A request to the court that the location of trial be changed.

Motion for Continuance. A request to the court that a proceeding be changed to a later date.

Motion for Determination of Competency. A request to the court that a defendant be examined by a psychiatrist in order to determine whether the defendant is competent to stand trial.

Motion for Discovery. A request to the court that evidentiary items be shared by the other side in a case.

Motion for Dismissal of Charges. A request to the court to dismiss a case because the evidence offered by the prosecution is insufficient to prove guilt beyond a reasonable doubt.

Motion for Intention to Provide Alibi. A motion made by the defense in order to give the prosecution an opportunity to verify the defendant's claim of not being present when the crime was committed.

Motion for Severance. A request to the court to have codefendants tried separately.

Motion for Summary Judgment. A method to decide a particular issue or an entire case without the need for a trial.

Motion for Suppression of Evidence. A request to the court to bar certain evidence from being introduced at trial.

Motion to Dismiss. A request to the court to refuse to hear a case.

Motions. Oral or written requests to a judge.

Motions in Limine. [Latin] A pretrial motion to admit into evidence material that could be considered prejudicial.

Motive. The reason why someone commits a crime.

Municipal Courts. Courts of special jurisdiction that follow the political boundaries of municipalities.

Murder. All deaths that are either intentional or that occur during the commission of aggravated felonies.

Mutilation. Causing permanent damage to a persons body, such as cutting off limbs, as punishment for criminal offenses.