

pro se, *n.* One who represents oneself in a court proceeding without the assistance of a lawyer <the third case on the court's docket involving a pro se>. — Also termed *pro per*.

prosecute, *vb.* **1.** To commence and carry out a legal action <because the plaintiff failed to prosecute its contractual claims, the court dismissed the suit>. **2.** To institute and pursue a criminal action against (a person) <the notorious felon has been prosecuted in seven states>. **3.** To engage in; carry on <the company prosecuted its business for 12 years before going bankrupt>. — **prosecutory**, *adj.*

prosecuting attorney. See DISTRICT ATTORNEY.

prosecuting witness. See WITNESS.

prosecution. **1.** The commencement and carrying out of any action or scheme <the prosecution of a long, bloody war>. **2.** A criminal proceeding in which an accused person is tried <the conspiracy trial involved the prosecution of seven defendants>. — Also termed *criminal prosecution*.

sham prosecution. A prosecution that seeks to circumvent a defendant's double-jeopardy protection by appearing to be prosecuted by another sovereignty, when it is in fact controlled by the sovereignty that already prosecuted the defendant for the same crime. ● A sham prosecution is, in essence, a misuse of the dual-sovereignty rule. Under that rule, a defendant's protection against double jeopardy does not provide protection against a prosecution by a different sovereignty. For example, if the defendant was first tried in federal court and acquitted, that fact would not forbid the state authorities from prosecuting the defendant in state court. But a sham prosecution — for example, a later state-court prosecution that is completely dominated or manipulated by the federal authorities that already prosecuted the defendant, so that the state-court proceeding is merely a tool of the federal authorities — will not withstand a double-jeopardy challenge. See DUAL-SOVEREIGNTY DOCTRINE.

3. The government attorneys who initiate and maintain a criminal action against an accused defendant <the prosecution rests>.

prosecution history. *Patents.* The complete record of proceedings in the Patent and Trademark Office from the initial application to the issued patent. — Also termed *file wrapper*.

prosecution-history estoppel. *Patents.* The doctrine preventing a patent holder from invoking the doctrine of equivalents if the holder, during the application process, surrendered certain claims or interpretations of the invention. — Also termed *file-wrapper estoppel*. See DOCTRINE OF EQUIVALENTS.

prosecutor, *n.* **1.** A legal officer who represents the government in criminal proceedings. See DISTRICT ATTORNEY; UNITED STATES ATTORNEY; ATTORNEY GENERAL.

public prosecutor. See DISTRICT ATTORNEY.

special prosecutor. A lawyer appointed to investigate and, if justified, seek indictments in a particular case. See *independent counsel* under COUNSEL.

2. A private person who institutes and carries on a legal action, esp. a criminal action. — Also termed (in sense 2) *private prosecutor*. — **prosecutorial**, *adj.*

prosecutorial discretion. See DISCRETION.

prosecutorial misconduct. A prosecutor's improper or illegal act (or failure to act), esp. involving an attempt to persuade the jury to wrongly convict a defendant or assess an unjustified punishment. ● If prosecutorial misconduct results in a mistrial, a later prosecution may be barred under the Double Jeopardy Clause.

prosecutrix (pros-ə-kyoo-triks). *Archaic.* A female prosecutor.

prosequi (prahs-ə-kwi), *vb.* [Latin] To follow up or pursue; to sue or prosecute. See NOLLE PROSEQUI.

prosequitur (prə-sek-wə-tər or proh-). [Latin] He follows or pursues; he prosecutes.

prosocer (proh-sə-sər). [Latin] *Civil law.* A father-in-law's father; a spouse's grandfather.

prosocerus (prə-sos-ə-rəs). [Latin] *Civil law.* A wife's or husband's grandmother.

pro socio (proh soh-shee-oh). [Latin] As a partner. ● This was the name of an action on behalf of a partner.

pro solido (proh sol-ə-doh). [Latin] For the whole; without division.

prospectant evidence. See EVIDENCE.