

Glossary: P

Paramour Rule. In the law of reducing a murder charge to manslaughter, a husband that caught his wife in the act of adultery was adequate provocation.

Parens Patriae. [Latin]. "Parent of the Country." The doctrine that the state is responsible for the welfare of children.

Parole. A conditional early release from prison.

Parole Board. A body that determines whether prisoners should be granted parole.

Parole Hearing. Meetings among inmates, lawyers, and others in which the paroling authority decides to revoke, grant, or deny parole.

Particularity. Requirement that search warrants must state precisely where the search is to take place and precisely describe the items to be seized.

Pat-down Search. *See Stop and Frisk.*

Patterson v. Illinois [[487 U.S. 285](#) (1988)]. "...once an accused "knowingly and intelligently" elects to proceed without counsel, the uncounseled statements he then makes need not be excluded at trial."

Penitentiary. A prison; the term derives from the philosophy that inmates could change their criminality through reflection and *penitence*.

Pennsylvania v. Finley [[481 U.S. 551](#) (1987)]. "The right to appointed counsel extends to only the first appeal of right, and since a defendant has no federal constitutional right to counsel when pursuing a discretionary appeal on direct review of his conviction...he has no such right when attacking, in postconviction proceedings, a conviction that has become final upon exhaustion of the appellate process."

Pennsylvania v. Muniz [[496 U.S. 582](#) (1990)]. "While finding that the videotape of the sobriety testing exhibited physical rather than testimonial evidence within the meaning of the Fifth Amendment, the court concluded that Muniz's answers to questions and his other verbalizations were testimonial and, thus, the audio portion of the tape should have been suppressed in its entirety."

Per Curiam. [Latin]. "By the court." Refers to an opinion rendered by the whole court as opposed to one expressed by a single judge; such rulings are not accompanied by a full opinion.

Per Diem. [Latin]. "By the day." The daily cost of something.

Per Se. [Latin.] "By itself." In itself.

Peremptory Challenge. Rejection of a potential juror by either side in a case for no articulated reason; each side has a set limit.

Perfect Defense. A defense that leads to an acquittal.

Perjury. Lying under oath in a court of law.

Petit Jury. The trier of facts in a criminal case; those responsible for determining guilt or innocence.

Petition. A document filed in juvenile court alleging that the child is a delinquent, a status offender, or in need of supervision.

Petitioner. A person who brings a petition before a court.

Petty Offenses. Minor infractions of the law, usually punished by fines.

Philosophy of Law. See entry for the [Internet Encyclopedia of Philosophy](#).

Phone Phreaking. Gaining access to the services of telecommunications companies without paying for them. See full article titled [Phone Phreaking](#).

Phrenology. The "science" of reading bumps on the head to identify character traits such as criminality.

Pickpocketing. Theft of property directly from the clothing of the victim.

Pillory. A restraining device in which offenders were forced to suffer pain and public ridicule.

Pinkerton Rule. The rule that conspiracy and the underlying crime are separate offenses; established in *Pinkerton v. U.S.*, 328 U.S. 640 (1946).

Plaintiff. The party who brings a suit to court.

Plain View Doctrine. An exception to the Fourth Amendment search warrant requirement; If an object is observed in a place that is open to the public, there is no search under the meaning of the Fourth Amendment. For discussion, see [Minnesota v. Dickerson, 508 U.S. 366](#) (1993)

Plato. See entry for the [Internet Encyclopedia of Philosophy](#).

Plea. Answer to charges by a defendant; the three most common pleas are [not guilty](#), [guilty](#), and [nolo contendere](#).

Plea Agreement Hearing. Meeting presided over by a judge to determine the adequacy and acceptability of a plea bargain agreement between prosecution and defense attorneys.

Plea Bargain Agreement. Formal agreement between the prosecution and defense where the defense pleads guilty to a charge in exchange for some sort of leniency.

Plead. To respond to criminal charges.

Police Academy. Term used to describe both facilities and programs used to train police recruits.

Police Corruption. *See full article titled [Police Corruption](#).*

Police Unions. Labor unions that represent the interests of law enforcement personnel.

Polling Jurors. Asking each juror to state whether he or she voted in a particular way.

Polygraph Test. A lie detector test of questionable accuracy; not generally admissible in court, but frequently used by police agencies to screen applicants.

Positivist School. School of thought that emphasized the scientific method in explaining criminality.

Posse Comitatus. [Latin.] The power of law enforcement officers to obtain the aid of civilians or military personnel to assist in law enforcement work.

Possession. Knowingly having or knowing the location of an illegal or prohibited item; the *mens rea* element of several crimes.

Postconviction Relief. Mechanisms whereby convicted persons can challenge their convictions after other appeals have been exhausted.

Power of Attorney. Legal authority granted to one person by another to act in his or her place.

Powers v. Ohio [[499 U.S. 400](#) (1991)]. "Under the Equal Protection Clause, a criminal defendant may object to race-based exclusions of jurors through peremptory challenges whether or not the defendant and the excluded jurors share the same race."

Precedent. Principle that previous court decisions should guide in deciding current cases. *See also* [Stare Decisis](#).

Prejudicial Error. An incorrect procedure that substantially harms a persons rights; can result in a reversal of the case.

Preliminary Hearing. A hearing where a magistrate determine if probable cause exists to hold an accused person over for trial.

Premeditated. The first-degree murder *mens rea* requirement that the murder had to be planned in advance.

Preponderance of the Evidence.

Presentence Investigation Report. A report on an offenders background, the circumstances surrounding the crime, and other pertinent information used by the judge to help determine the sentence.

Presentment. Strictly speaking, notice of a crime taken by a grand jury on its own without a bill of indictment by the state. In a more general sense, it also includes grand jury indictments.

Presumption of Innocence. Premise that a defendant is innocent unless proven guilty beyond a reasonable doubt; fundamental tenant of the adversarial system.

Presumption of Validity. In constitutional law, the premise that a statute is valid until it can be proven unconstitutional.

Pretrial Motions. *See Motions In Limine.*

Pretrial Publicity. Media attention given to a case before it is tried in court.

Preventive Detention. *See full article titled [Preventive Detention of Juveniles](#)*

Prima Facie Case. A case that meets the evidentiary requirement for a grand jury indictment.

Prima Facie Duties. *See entry for the [Internet Encyclopedia of Philosophy](#).*

Principle of Proportionality. The belief that less serious harms could carry lesser punishments than more serious harms.

Prisoner Classification. The determination of what security level a particular inmate should be placed.

Prison Farm. A primarily Southern practice of using prison labor to operate large scale agricultural operations. *See the book [Down on Parchman Farm](#) by William B. Taylor.*

Prisonization. Socialization into a distinct prison subculture.

Privatization. A trend toward the use of prisons and jails operated by private companies.

Pro Bono. [Latin.] "For the good." Legal services provided at no cost to the defendant.

Pro Forma. [Latin.] According to a matter of policy or protocol; following specific rules.

Pro Se. [Latin]. Acting as one's own criminal defense attorney.

Probable Cause. A reasonable belief that a crime has been committed or that a particular person committed it.

Probation. A sentence in which the defendant lives in the community and agrees to fulfill certain conditions set forth by the court.

Probation Officer. Professional who supervises persons sentenced to probation.

Problem-Oriented Policing. A policing strategy that concentrates on proactive solutions to crime that attack the source of the problem. *See the book [Problem-oriented Policing](#) by Herman Goldstein.*

Procedural Law. Rules that specify how the substantive laws are to be implemented; rules that regulate police, courts, and corrections in how they treat people.

Procedural Due Process. The idea that the government must follow established standards of practice and treat all defendants equally.

Process. A summons demanding the appearance of some person in court.

Process of Law. Procedural law.

Proof Beyond a Reasonable Doubt. Standard of proof to convict in a criminal case.

Property Bond. Setting bail in the form land or other tangible property which becomes the property of the court if the defendant absconds.

Prosecutorial Discretion. The power of prosecutors to decide whether or not to charge a defendant and what the charge will be.

Prosecutorial Information. A criminal charge against a defendant filed by the prosecutor.

Prosecutorial Misconduct. Any action that violates ethical codes or standards governing prosecutors, such as illegally strengthening cases against defendants.

Prosecutorial Waiver. The authority of some prosecutors in juvenile cases to have those cases transferred to criminal courts.

Proximate Cause. The element in a chain of events that is closest to actually causing an event, such as a death.

Psychoanalytic Theory. Body of theory based on Sigmund Freud's work; holds that behavior is not based on rational choice but rather on subconscious desires.

Public Defender System. A system by which attorneys are appointed to represent indigent defendants.

Public Safety Exception. A right to search without warrant or probable cause if there is a danger to the public.

Punishment.