

PRETRIAL COURT CASE ROADMAP

From Complaint to Held for Court



500 SERIES
RULES OF CRIMINAL PROCEDURE
★ CHAPTER 5 ★

★ KEY PLAYERS ★



POLICE OFFICER

Investigates & may file complaint



ISSUING AUTHORITY (IA)

Reviews complaint; issues summons or warrant



MDJ / ACM

Judicial officer who handles pretrial matters



DEFENDANT

Person accused of a crime



DISTRICT ATTORNEY

Represents the Commonwealth

✓ HIGH-YIELD FACTS



Complaint = Charging Document



Summons = Commands appearance



Arrest Warrant = Form of Process



Preliminary Hearing = Prima Facie Review



1

CRIMINAL COMPLAINT FILED

Alleges that a crime was committed.



2

SUMMONS OR ARREST WARRANT ISSUED

IA issues a summons (notice to appear) or an arrest warrant (authorizes arrest).



3

PRELIMINARY ARRAIGNMENT

Defendant is informed of the charges, rights, and dates; enters plea.



4

BAIL DETERMINATION

MDJ/ACM decides if the defendant can be released and under what conditions.



5

PRELIMINARY HEARING

MDJ/ACM determines if there is **PRIMA FACIE** evidence to proceed.



6



HELD FOR COURT

Enough evidence to proceed to trial.



DISMISSED

Not enough evidence; case is dismissed.



REMEMBER

THE MDJ IS NOT DECIDING
GUILT OR INNOCENCE.

The question is:
"Is there enough evidence to proceed?"



FAIR • IMPARTIAL • EFFICIENT



JUSTICE STARTS HERE

References: 42 Pa.C.S. §1515(a) | 234 Pa. Code Ch. 5 | Pa.R.Crim.P. 502-542

PRELIMINARY ARRAIGNMENT

THE FIRST COURT APPEARANCE

A CRITICAL
FIRST STEP!



WHO?

MDJ/ACM conducts the arraignment.



WHEN?

Promptly after arrest and before the preliminary hearing.



WHERE?

Usually at the local magisterial district judge's office.



PURPOSE OF A PRELIMINARY ARRAIGNMENT

To ensure the defendant understands the charges, rights, and upcoming process, and to set the stage for bail and the preliminary hearing.



DEFENDANT'S RIGHTS

THE MDJ/ACM MUST INFORM THE DEFENDANT OF:



The charges against the defendant.



The right to remain silent.



The right to counsel – retained or appointed.



The right to a preliminary hearing and the right to be present.



The right to have an attorney present at that hearing.



The right to cross-examine witnesses who testify.



The right to subpoena witnesses on the defendant's behalf.



MDJ/ACM DUTIES

- ✓ Provide the defendant with a copy of the complaint.
- ✓ Ask the defendant if they understand the charges.
- ✓ Ask the defendant how they wish to plead (guilty, not guilty, or no contest).*
- ✓ Advise the defendant of bail and set bail (if appropriate).
- ✓ Schedule the preliminary hearing.

*The formal entry of the plea occurs at the preliminary hearing.



TECH NOTE

Advanced Communication Technology (ACT) may be used for preliminary arraignments only with the defendant's consent.



ON THE ROAD TO THE PRELIMINARY HEARING



TIMELINE

The preliminary hearing must be scheduled within **10 business days** of the arraignment.



NEXT STOP

Preliminary Hearing – Where the evidence is tested to determine if the case proceeds.



KEY TAKEAWAY

The arraignment is **NOT** about guilt or innocence.

It's about ensuring the defendant understands the process and preparing the case for review.



BIG IDEA: INFORMATION, RIGHTS, AND PROCESS = A **FAIR START.**

PRETRIAL STEP #4

★ 500 SERIES – RULES OF CRIMINAL PROCEDURE ★



BAIL PROCEDURES



FREEDOM PENDING COURT – NOT A RIGHT, BUT A DECISION



WHAT IS THE PURPOSE OF BAIL?

To reasonably assure the defendant's appearance in court while protecting the safety of the community.



BAIL IS NOT PUNISHMENT. IT IS A TOOL TO ENSURE APPEARANCE AND PROTECT THE PUBLIC.



CRITERIA FOR DETERMINING BAIL

The MDJ/ACM must consider all relevant factors, including but not limited to:

- The nature and circumstances of the offense
- The weight of the evidence
- The defendant's family ties and community ties
- The defendant's employment and financial resources
- The defendant's character and mental condition
- The defendant's record of convictions
- Any other factor bearing on the risk of nonappearance or danger to the community



DECISIONS MUST BE MADE ON A CASE-BY-CASE BASIS.

★ FIVE TYPES OF RELEASE ON BAIL (42 Pa.C.S. § 544) ★

1

RECOGNIZANCE (ROR)



Release on the defendant's promise to appear in court.

No money is required.

2

UNSECURED BAIL



Release upon the defendant's written promise to appear.

No money is required.

3

SECURED BAIL



Release after the deposit of cash, property, or other security to assure appearance.

Returned if conditions are met.

4

BAIL BOND



Release through a bail bond company that promises the defendant will appear in court.

Fee is non-refundable.

5

SUPERVISED RELEASE



Release under supervision of a pretrial services agency with conditions imposed by the court.

May include reporting, testing, treatment, etc.



BAIL BOND (42 Pa.C.S. § 525)

A bail bond is a written undertaking by a surety that the defendant will appear in court as required. It must be:

- ✓ In writing and signed by the surety (including name, address & phone number)
- ✓ Approved by the MDJ/ACM
- ✓ In a form prescribed by the Administrative Office of Pennsylvania Courts
- ✓ Accompanied by the required fee (10% of the bail amount, non-refundable)

BAIL BOND



CONDITIONS THAT MAY BE IMPOSED ON BAIL BOND (42 Pa.C.S. § 526)



- ✓ Appear at all court proceedings
- ✓ Obey all laws
- ✓ Do not leave the jurisdiction without permission
- ✓ Report to pretrial services as directed
- ✓ Do not contact or harass certain persons
- ✓ Do not possess firearms or dangerous weapons
- ✓ Avoid excessive use of alcohol or illegal drugs
- ✓ Submit to drug/alcohol testing
- ✓ Comply with treatment programs
- ✓ Pay fines, costs or restitution
- ✓ Comply with any other reasonable conditions necessary to assure appearance or protect the community



DENIAL OF BAIL IN THE MOST SERIOUS OF CIRCUMSTANCES (42 Pa.C.S. § 545)

Bail may be denied after a hearing only if the court finds by clear and convincing evidence that no condition or combination of conditions, including commitment to custody, will reasonably assure:

- ✓ The defendant's appearance in court; OR
- ✓ The safety of any other person and the community.



The court must state on the record the reasons for denying bail.

EVIDENTIARY CONSIDERATIONS IN BAIL DECISIONS



- ✓ The party seeking to deny bail has the burden of proof.
- ✓ The standard of proof is clear and convincing evidence.
- ✓ Hearsay is admissible.
- ✓ The court may consider reliable evidence, including criminal history, conduct, and risk assessments.
- ✓ The defendant has the right to present evidence.



★ **THE GOAL OF BAIL:** ENSURE APPEARANCE • PROTECT THE COMMUNITY • PRESERVE FREEDOM WHEN APPROPRIATE ★



KEY TAKEAWAY

Bail is not automatic. It is a carefully tailored decision based on law, facts, and risk — not on the seriousness of the charge alone.

PRETRIAL STEP #5

500 SERIES – RULES OF CRIMINAL PROCEDURE

PRELIMINARY HEARING

THE COURT'S FIRST LOOK AT THE EVIDENCE

QUESTION: IS THERE ENOUGH EVIDENCE TO PROCEED?

WHEN & HOW

- ✓ Must be held within **10 business days** of the arraignment.
- ✓ May be continued for good cause but must be held within **20 business days** of the arraignment.
- ✓ Held before the MDJ/ACM.
- ✓ Defendant has the right to be present and represented by counsel.



Timely hearings protect rights and keep the process moving!

WHAT HAPPENS AT THE HEARING?

The Commonwealth presents evidence through witness testimony and/or documents.

The MDJ/Judge's role is **LIMITED** to determining whether a **PRIMA FACIE** case has been established.

PRIMA FACIE

Means the evidence, if believed, would be sufficient to sustain a conviction by a judge or jury.

It is **NOT** a determination of guilt.

Conflicts in the evidence are resolved in favor of the Commonwealth.

WHAT THE DEFENDANT CAN DO (Pa.R.Crim.P. 542(C))

- Question witnesses who testify.
- Present evidence and witnesses.
- Cross-examine Commonwealth witnesses.
- Subpoena witnesses on the defendant's behalf.
- Be represented by counsel.



The rules of evidence **DO NOT** strictly apply at this stage. Hearsay is admissible.

POSSIBLE OUTCOMES AFTER THE PRELIMINARY HEARING



PRIMA FACIE CASE IS ESTABLISHED

- The defendant is "Held for Court" and the case is bound over for trial.
- The defendant remains subject to bail conditions.

OR



PRIMA FACIE CASE IS NOT ESTABLISHED

- The complaint is dismissed.
- The defendant is released from the charges.



Either party may appeal the decision to the Court of Common Pleas within **10 days**.



HEARSAY & PRIMA FACIE (Pa.R.Crim.P. 542(E))

Hearsay evidence may be considered if it is the type of evidence that persons in the Commonwealth rely upon in the conduct of their serious affairs.

EXAMPLES OF ACCEPTABLE HEARSAY:

- ✓ Police reports and complaints
- ✓ Certified records (e.g., driving records)
- ✓ Business or medical records
- ✓ Statements with indicia of reliability
- ✓ Other evidence commonly relied upon in serious affairs

IF A PRIMA FACIE CASE ISN'T ESTABLISHED...



DISMISSAL

The complaint is dismissed.



RELEASE

The defendant is released from the charges.



REFILING

The Commonwealth may file a new complaint if additional evidence becomes available.



QUICK REFERENCE – KEY POINTS

- ✓ Held within 10 business days (20 with continuance for good cause).
- ✓ Purpose: Determine if a **prima facie** case exists.
- ✓ Rules of evidence do **not** strictly apply.
- ✓ Defendant can cross-examine, present evidence, subpoena witnesses.
- ✓ Outcome: Held for court OR dismissed.
- ✓ Appeal to Court of Common Pleas within 10 days.



REMEMBER

This is **NOT** the trial.
It's a threshold test—
enough evidence to move forward,
not proof beyond a reasonable doubt.



★ **GOAL: FAIR PROCESS • PROTECT RIGHTS • ENSURE JUSTICE**

★ **YOU'VE GOT THIS!** ★

AFTER THE PRELIMINARY HEARING

What Happens Next?

NEXT STEPS



IF A PRIMA FACIE CASE IS ESTABLISHED (HELD FOR COURT)



The case is bound over to the Court of Common Pleas.



The Commonwealth may present the case to a Grand Jury for indictment.



If indicted, the case proceeds on the indictment.



If not indicted, the Commonwealth may file information.



Arraignment in the Court of Common Pleas will be scheduled.



The defendant remains subject to bail conditions until the case is resolved.



IF A PRIMA FACIE CASE IS NOT ESTABLISHED



The complaint is **dismissed**.



The defendant is **released** from the charges.



The Commonwealth may **refile** a new complaint if additional evidence becomes available.



NOTE: Re-filing is not automatic. The new complaint must be supported by additional facts or evidence.



APPEALING THE MDJ/ACM DECISION

Either party may appeal the preliminary hearing decision to the Court of Common Pleas.

WHO CAN APPEAL?



- The defendant (if held for court)
- The Commonwealth (if case was dismissed)



TIME TO APPEAL

Appeal must be filed within **10 days** of the decision.



STANDARD OF REVIEW

The Court of Common Pleas reviews the record to determine if the MDJ/ACM committed an error of law or if the determination was not supported by the record.



The court does NOT re-weigh evidence or make credibility determinations.



DEFENDANT'S KEY RIGHTS REMAIN



Right to Counsel



Right to Remain Silent



Right to a Fair Hearing



Right to Be Present



Right to Present Evidence & Question Witnesses



These rights exist at every stage of the pretrial process.



USE OF TECHNOLOGY (ACT)

Advanced Communication Technology (ACT) may be used for preliminary hearings **ONLY** with the defendant's consent.



Video & audio must be clear



Secure & private connection required



Defendant must consent on the record



ACT should not compromise fairness, the ability to observe testimony, or the rights of either party.



QUICK REFERENCE – ESSENTIAL POINTS

- ✓ Preliminary hearing = limited review for prima facie evidence.
- ✓ Held within 10 business days (20 with good cause).
- ✓ Evidence rules do NOT strictly apply; hearsay is admissible.
- ✓ Outcomes: Held for Court OR Dismissed.
- ✓ Either party may appeal to the Court of Common Pleas within 10 days.
- ✓ This is not the trial—just a threshold decision to move forward.



KEY TAKEAWAY

The preliminary hearing is the court's first look at the evidence—not the final word.



Determine if enough evidence exists.



Move the case forward, or stop it here.



Protect rights. Ensure fairness. Uphold justice.

FAIR PROCESS. STRONG JUSTICE. EVERY STEP MATTERS.



PRETRIAL STEP #7

500 SERIES – RULES OF CRIMINAL PROCEDURE



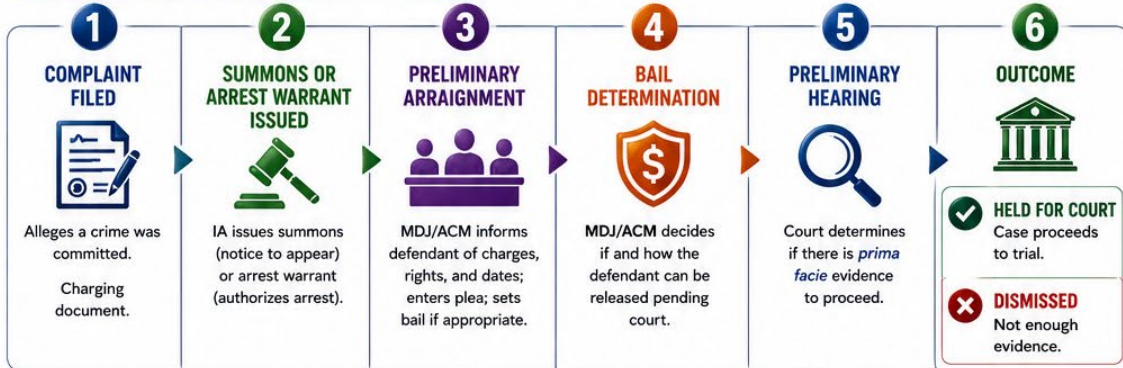
THE BIG PICTURE

PRETRIAL PROCESS AT A GLANCE

KNOW THE FLOW. PROTECT THE RIGHTS. ENSURE JUSTICE.



THE PRETRIAL JOURNEY: STEP-BY-STEP



WHO DOES WHAT?

	ISSUING AUTHORITY (IA)	Reviews complaint; issues summons or arrest warrant.
	MDJ / ACM	Conducts preliminary arraignment, sets bail (if appropriate), and presides over the preliminary hearing.
	POLICE OFFICER	Investigates; files complaint; executes warrants; may make arrest.
	DEFENDANT	Accused of a crime; has important rights at every stage.
	DISTRICT ATTORNEY	Represents the Commonwealth; presents the case at the hearing.

KEY PRINCIPLES TO REMEMBER



PRESUMPTION OF INNOCENCE

The defendant is presumed innocent until proven guilty beyond a reasonable doubt.



LIMITED PURPOSE

The preliminary hearing is not about guilt or innocence—it is a threshold test.



PRIMA FACIE STANDARD

Is the evidence, if believed, sufficient to sustain a conviction by a judge or jury?



RIGHTS PROTECTED

Every step of the pretrial process is designed to protect the defendant's rights and the safety of the community.

QUICK REFERENCE CHECKLIST

- ✓ Complaint = charging document
- ✓ Defendant must be arraigned promptly
- ✓ Preliminary hearing must be within 10 business days (20 with good cause)
- ✓ Evidence rules do **NOT** strictly apply; hearsay is admissible
- ✓ Outcome: Held for Court **OR** Dismissed
- ✓ Appeal to Court of Common Pleas within 10 days

IMPORTANT TIMELINES



10
BUSINESS DAYS

Preliminary hearing must be held within 10 business days of arraignment.

20
BUSINESS DAYS

May be continued for good cause, but must be held within 20 business days of arraignment.

10
DAYS

Appeal of preliminary hearing decision to Court of Common Pleas must be filed within 10 days.

GOLDEN TAKEAWAY

The pretrial process is about **BALANCE**:

Protecting the **COMMUNITY** by ensuring appearance and public safety.



Protecting the **DEFENDANT** by ensuring rights, fairness, and due process.



TECH REMINDER

Advanced Communication Technology (ACT) may be used for preliminary hearings **ONLY WITH THE DEFENDANT'S CONSENT.**



PREPARE. PROTECT. PROCEED. — YOU'VE GOT THIS!