



CRIMINAL PROCEDURE RULES 516-518



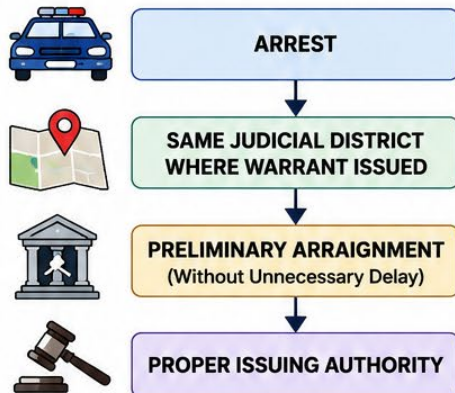
ARREST WARRANTS & JUDICIAL DISTRICTS

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RULE 516

WARRANT EXECUTED WITHIN JUDICIAL DISTRICT OF ISSUANCE

Defendant arrested in the **SAME** judicial district where the warrant was issued.



KEY POINTS

- ✓ Brought before the proper issuing authority.
- ✓ Preliminary arraignment must occur without unnecessary delay.
- ✓ Defendant remains within the issuing district for the preliminary arraignment process.

MDJ FOCUS

During the preliminary arraignment, the defendant is informed of:



The goal is a prompt, fair, and efficient process.

RULE 518

ADVANCED COMMUNICATION TECHNOLOGY (ACT)

Video arraignment technology may be used when practical.



ACT ARRAIGNMENT FLOW



WHY ACT IS IMPORTANT

- ⌚ Faster processing
- 🚗 Less transportation time and cost
- 🌐 Not dependent on district boundaries
- 🏛️ Improves access to issuing authorities



REMEMBER!

A PRELIMINARY ARRAIGNMENT
CONDUCTED THROUGH ACT
**IS STILL A VALID
PRELIMINARY ARRAIGNMENT.**



HIGH-YIELD DISTINCTION



RULE 516

Arrest occurs **INSIDE** the judicial district of issuance.

- Defendant taken to the issuing authority.

VS.



RULE 518

Technology may be used for preliminary arraignment.

- District boundaries are less important.



KEY TAKEAWAY

Same District
= **Rule 516**

Technology-Assisted
Processing
= **Rule 518**



CRIMINAL PROCEDURE – RULE 517



WARRANT EXECUTED OUTSIDE JUDICIAL DISTRICT OF ISSUANCE

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Defendant arrested **OUTSIDE** the judicial district where the warrant was issued.

OPTION 1: BAIL POSTED

Defendant advised of the right to post bail.



Posts Bail



Released



Must appear in the
JUDICIAL DISTRICT
OF ISSUANCE
(5–10 DAYS LATER)

OPTION 2: BAIL NOT POSTED



Returned to
Issuing District

OR



Held in Local
Detention Facility



Issuing Authority Notified



Defendant Transported
for Arraignment Before
Issuing Authority

48-HOUR RULE

If the defendant:

- ✓ Remains detained
- ✓ Outside the issuing district
- ✓ Unable to post bail
- ✓ 48 HOURS or more have passed

THEN



The judge of the court of the judicial district of detention may:

- Order release on bail; OR
- Grant one or more extensions of detention.

FAILURE TO APPEAR AFTER RELEASE ON BAIL



Released on
Bail



Misses Scheduled
Appearance



Bench
Warrant Issued



Arrested on
Bench Warrant



No Automatic Right
to Post Bail

REMEMBER!

If the defendant is released on bail and fails to appear, the court is **not** required to allow the defendant to post bail when arrested on the bench warrant.

OTHER IMPORTANT PROVISIONS (RULE 517)

FORFEITURE UPON RELEASE



When the defendant is released on bail before preliminary arraignment, the judge may order:

- Discharge from custody; AND
- Forfeiture of all costs, including mileage & transportation charges.

RECOGNIZANCES



All recognizances accepted under this rule must be transmitted to the issuing authority in the judicial district where the warrant was issued.

BENCH WARRANT AFTER ARREST



If a new bench warrant is issued (after the defendant has been arrested), the defendant is **NOT** entitled to post bail in the district where the bench warrant is issued, but must be taken as soon as practicable to the issuing district for preliminary arraignment.



KEY TAKEAWAY



Arrest outside the issuing district = Rule 517.



Bail posted → released → must appear in issuing district.



Bail not posted → returned or detained → transported for arraignment.



48-hour rule provides important protection when held outside the issuing district.



Failure to appear on bail can result in a bench warrant and loss of bail rights.

REMEMBER!

The target of these rules is to ensure that defendants are brought before the proper issuing authority for a preliminary arraignment without unnecessary delay.





CRIMINAL PROCEDURE – RULES 541 & 542

PRELIMINARY HEARING RULES

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RULE 541

WAIVER OF PRELIMINARY HEARING

A defendant may waive the right to a preliminary hearing.

REQUIREMENTS FOR VALID WAIVER

- ✓ Defendant understands the right to a preliminary hearing.
- ✓ Waiver is made knowingly, intelligently, and voluntarily.
- ✓ Upon waiver, the defendant is bound over for court.



CONSEQUENCES

After a valid waiver, the defendant generally **CANNOT** later challenge whether the Commonwealth established a prima facie case.



REMEMBER!

Waiving the preliminary hearing is **NOT** the same as pleading guilty. The case continues.



RULE 542

PRELIMINARY HEARING

The Commonwealth must establish a

PRIMA FACIE CASE

TWO KEY QUESTIONS

- 1 Did a crime occur?
- 2 Is there evidence that the defendant committed the crime?



DEFENDANT RIGHTS AT THE HEARING



Right to Counsel



Right to Cross-Examine Witnesses



Right to Review Evidence



Right to Call Witnesses



Right to Testify



Right to a Record of Proceedings



HEARSAY RULE

Hearsay evidence may be relied upon to establish a prima facie case if it is the type of evidence that is admissible and may be relied upon by the fact-finder at trial.

This is a key characteristic of preliminary hearings.

CONTINUANCES – RULE 542(D)



A preliminary hearing may be continued only upon a showing of good cause.

When a continuance is granted, the issuing authority must place on the record the following:



Reason for granting



Who requested the continuance



The date to which hearing is continued



To which party the delay is attributed



★ FINAL REMEMBER! ★

THE MAGISTERIAL DISTRICT JUDGE DOES NOT DETERMINE GUILT.

The issuing authority's role is limited to determining whether the Commonwealth has presented a

PRIMA FACIE CASE

and whether the matter should be held for court.



RULE SUMMARY

- Rule 541** Defendant may waive preliminary hearing. Waiver must be knowing, intelligent, and voluntary.
- Rule 542** Preliminary hearing determines only if the Commonwealth has a prima facie case.
- Hearsay** May be used to establish a prima facie case when permitted by law.
- Continuances** Require good cause and detailed findings on the record.

KEY TAKEAWAY



- ✓ Waiver ≠ Guilty Plea.
- ✓ Prima Facie Case ≠ Proof Beyond a Reasonable Doubt.
- ✓ Hearing is NOT a trial.
- ✓ Rights exist even in preliminary hearings.
- ✓ Record must be complete and accurate.

These rules ensure fairness, efficiency, and proper handling of defendants before the matter proceeds to court.