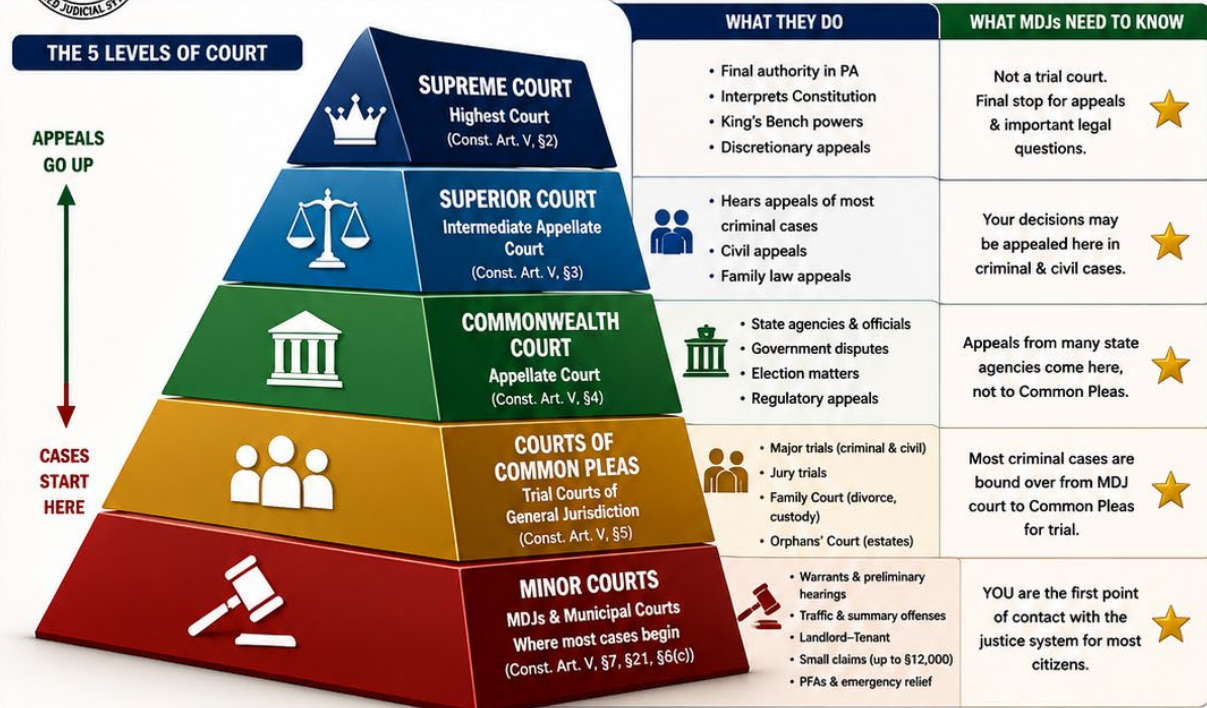




# PENNSYLVANIA UNIFIED JUDICIAL SYSTEM

A Unified Court System – One Path of Justice



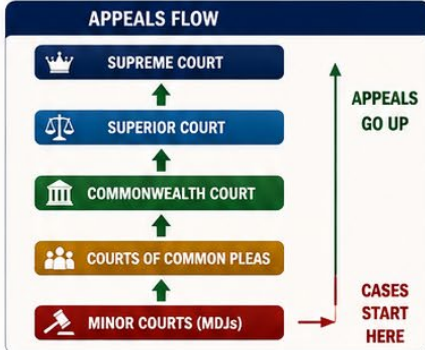
### OVERVIEW

The Unified Judicial System (UJS) provides a structure of courts established under Article V of the Pennsylvania Constitution.

These courts operate statewide and are unified in administering justice fairly, efficiently, and promptly.

### COURT ADMINISTRATION & BOARDS

- Court Administrator of Pennsylvania**  
Administers courts statewide.
- Judicial Conduct Board**  
Investigates allegations of judicial misconduct.
- Minor Judiciary Education Board (MJEB)**  
Trains & certifies MDJs.
- Pennsylvania Board of Law Examiners**  
Oversees bar admissions.
- Disciplinary Board of the Supreme Court**  
Handles attorney discipline.



### CRIMINAL vs. CIVIL

<p><b>CRIMINAL</b> (PUBLIC WRONG)</p> <p>Commonwealth vs. Defendant</p> <p>Purpose: Punishment, protection of public safety, deterrence.</p>	<p><b>CIVIL</b> (PRIVATE WRONG)</p> <p>Person vs. Person or Entity</p> <p>Purpose: Compensation, resolution of disputes.</p>
--	--

### JURISDICTION vs. VENUE

<p><b>JURISDICTION</b></p> <p>Power of the court to hear and decide a case.</p> <p>Looks at the court's authority over the type of case and the parties.</p>	<p><b>VENUE</b></p> <p>Proper or most convenient place for the case to be heard.</p> <p>Looks at the geographic location.</p>
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### STANDARD OF PROOF (SEE CHART 3)

- Beyond a Reasonable Doubt** – Criminal Trials (highest standard)
- Clear and Convincing Evidence** – Some civil matters
- Preponderance of Evidence** – Civil cases
- Prima Facie** – Preliminary Hearing
- Probable Cause** – Warrants (lowest standard)

**REMEMBER** ★ Cases move UP the system through appeals. Justice starts at the bottom—with you.

The mission of the Unified Judicial System is to provide equal justice under the law.



# SOURCES OF PENNSYLVANIA LAW



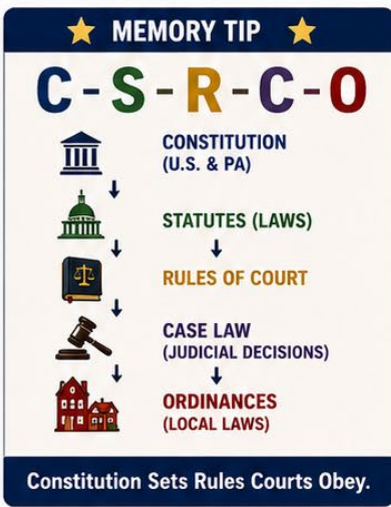
Pennsylvania law comes from five primary sources.

★ MDJs must know where the law comes from and how the sources work together. ★

## THE FIVE SOURCES OF PENNSYLVANIA LAW



- ### KEY POINTS FOR MDJs
- MDJs apply all five sources of law every day.
  - Constitutional rights always come first.
  - Statutes define crimes, penalties, and court jurisdiction.
  - Follow the Rules of Court for proper procedure.
  - Know local ordinances for summary offense enforcement.
  - When in doubt, look to the higher authority.



**EXAM TIP:** Always identify the source of law being applied or considered in a question. It helps you determine the court's authority and the correct analysis.

**REMEMBER:** Know the sources. Understand the order. Apply the law.

PA

# GRADING OF CRIMES IN PENNSYLVANIA



Crimes are graded based on the maximum term of imprisonment authorized by law.

GRADE OF OFFENSE	MAXIMUM PENALTY (TERM OF IMPRISONMENT)	TYPICAL EXAMPLES	TRIED IN
<b>FELONY 1</b> (F1)	More than 10 years	<ul style="list-style-type: none"> <li>Murder (except 3rd degree)</li> <li>Rape</li> <li>Robbery</li> <li>Aggravated Assault</li> <li>Arson</li> <li>Certain Drug Offenses</li> </ul>	Court of Common Pleas (Jury Trial)
<b>FELONY 2</b> (F2)	More than 5 years but not more than 10 years	<ul style="list-style-type: none"> <li>Sexual Assault</li> <li>Aggravated DUI</li> <li>Burglary</li> <li>Theft by Deception</li> <li>Certain Drug Offenses</li> </ul>	Court of Common Pleas (Jury Trial)
<b>FELONY 3</b> (F3)	More than 1 year but not more than 7 years	<ul style="list-style-type: none"> <li>Theft</li> <li>Simple Assault</li> <li>Criminal Mischief</li> <li>Bad Checks</li> <li>Certain Drug Offenses</li> </ul>	Court of Common Pleas (Jury Trial)
<b>MISDEMEANOR 1</b> (M1)	More than 90 days but not more than 5 years	<ul style="list-style-type: none"> <li>Simple Assault</li> <li>Harassment</li> <li>Certain DUI (1st Offense)</li> <li>Retail Theft</li> <li>Threats</li> </ul>	Court of Common Pleas or MDJ*
<b>MISDEMEANOR 2</b> (M2)	More than 30 days but not more than 2 years	<ul style="list-style-type: none"> <li>Harassment</li> <li>Criminal Mischief</li> <li>Disorderly Conduct</li> <li>Trespass</li> <li>Loitering</li> </ul>	Court of Common Pleas or MDJ*
<b>MISDEMEANOR 3</b> (M3)	Up to 1 year	<ul style="list-style-type: none"> <li>Disorderly Conduct</li> <li>Simple Trespass</li> <li>Harassment (by comm. in fight)</li> <li>Retail Theft (lesser)</li> <li>Public Drunkenness</li> </ul>	MDJ or Municipal Court
<b>SUMMARY OFFENSE</b> (S)	Up to 90 days (or a fine only)	<ul style="list-style-type: none"> <li>Traffic Offenses</li> <li>Disorderly Conduct (low level)</li> <li>Harassment (non-physical)</li> <li>Public Drunkenness</li> <li>Littering</li> </ul>	MDJ or Municipal Court

MORE SERIOUS

LESS SERIOUS

## IMPORTANT DEFAULT RULES (18 Pa.C.S. § 106)

- ⚠ A crime declared to be a **MISDEMEANOR** without specification of degree is a **MISDEMEANOR OF THE 3RD DEGREE (M3)**.
- ⚠ Any offense declared by law to constitute a crime without specification of the class thereof, is a **MISDEMEANOR OF THE 2ND DEGREE (M2)**, if the maximum sentence does not make it a felony.
- ⚠ If the maximum sentence authorized exceeds 1 year, the offense is a **FELONY**.

## KEY POINTS TO REMEMBER

- ✓ Felonies carry potential prison sentences exceeding 1 year.
- ✓ Misdemeanors carry potential prison sentences of 1 year or less.
- ✓ Summary Offenses are the least serious and are punished by up to 90 days in jail or a fine.
- ✓ The more serious the crime, the greater the potential penalty and the higher the court in which it is tried.

## EXAMPLES OF WHERE THEY ARE TRIED

- Court of Common Pleas (Jury Trial)**  
Most felonies and certain misdemeanors.
- Court of Common Pleas (Non-Jury Trial)**  
Some misdemeanors (by consent).
- MDJ (Magisterial District Judge)**  
Misdemeanor 3 and summary offenses; certain M1 and M2 by law.
- Municipal Court**  
Summary offenses and certain misdemeanors (by code).

## PENALTY QUICK REFERENCE

GRADE	MAXIMUM PENALTY (TERM OF IMPRISONMENT)
Felony 1 (F1)	More than 10 years
Felony 2 (F2)	More than 5 years, but not more than 10 years
Felony 3 (F3)	More than 1 year, but not more than 7 years
Misdemeanor 1 (M1)	More than 90 days, but not more than 5 years
Misdemeanor 2 (M2)	More than 30 days, but not more than 2 years
Misdemeanor 3 (M3)	Up to 1 year
Summary Offense (S)	Up to 90 days (or a fine only)

\* MDJ may try Misdemeanor 1 and 2 offenses when specifically authorized by law.

## REMEMBER ★

THE DEGREE OF THE CRIME DETERMINES:

- The maximum penalty
- The court that has jurisdiction
- The seriousness of the offense



## EXAM TIP

Always look for the **MAXIMUM** possible sentence authorized by law to determine the grade of the crime.



# MURDER IN PENNSYLVANIA

18 Pa.C.S. § 2501 – Criminal Homicide



**HOMICIDE** is the killing of one human being by another.  
Pennsylvania law divides homicide into graded offenses based on the actor's mental state and the circumstances surrounding the death.

**MOST SERIOUS**



**LESS SERIOUS**



## MURDER 1

18 Pa.C.S. § 2502(a)

- Intentional killing
- Willful
- Deliberate
- Premeditated
- Specific intent to kill

### PENALTY

Life Imprisonment or Death Penalty (where legally applicable)

### EXAMPLES

- Shooting someone in the head
- Stabbing with intent to kill
- Planning a killing in advance
- Hiring someone to commit a killing



## MURDER 2

18 Pa.C.S. § 2502(b)

### FELONY MURDER

- Death of another human being
- Occurs during the commission or attempted commission of certain felonies
- No intent to kill required

### PENALTY

Life Imprisonment

### FELONIES INCLUDE (not limited to):

- Robbery
- Rape
- Arson
- Burglary
- Kidnapping
- Involuntary Deviate Sexual Intercourse
- Mayhem
- Escape
- And others listed in 18 Pa.C.S. § 2502(b)



## MURDER 3

18 Pa.C.S. § 2502(c)

- All other murders
- Committed with malice
- Not Murder 1
- Not Murder 2

### PENALTY

Up to 40 Years in Prison

### EXAMPLES

- Killing during a physical fight
- Poisoning without premeditation
- Death resulting from extreme indifference to human life
- Reckless conduct showing malice

## EXAM TRAP

**MURDER 2 (Felony Murder)** does **NOT** require intent to kill.

It only requires that a death occurred during the commission or attempt of a felony enumerated in the statute.



## MEMORY TIP

- M1** Meant It  
Intentional & Premeditated
- M2** During Felony  
Death occurs during certain felonies (no intent to kill required)
- M3** Malice  
All other murders

## KEY TERMS

**Intentional** – The actor's conscious objective is to cause death.

**Premeditated** – The actor formed the intent to kill before the act was committed.

**Malice** – A heart regardless of social duty and deliberately bent on mischief.

**Felony Murder** – A death that occurs in the perpetration of or attempt to perpetrate certain enumerated felonies.

## MDJ RELEVANCE

As an MDJ, consider:

- ✓ What was the actor's mental state?
- ✓ Is there evidence of malice?
- ✓ The court death occur during the commission of a felony?
- ✓ What facts support the appropriate grading of homicide?
- ✓ Are there defenses or justifications that may apply?

## OTHER FORMS OF HOMICIDE (NOT MURDER)

### VOLUNTARY MANSLAUGHTER

18 Pa.C.S. § 2503(a)



- Killing in the heat of passion
- Adequate provocation
- Sudden and intense passion caused the loss of self-control

**PENALTY:** Up to 20 Years in Prison

### INVOLUNTARY MANSLAUGHTER

18 Pa.C.S. § 2504



- Unintentional killing
- Reckless or grossly negligent conduct
- Substantial and unjustifiable risk

**PENALTY:** Up to 5 Years in Prison

### HOMICIDE BY VEHICLE

18 Pa.C.S. § 3732



- Death caused by the violation of a vehicle or traffic law or ordinance
- Negligent or unlawful operation

**PENALTY:** Up to 5 Years in Prison and/or Fine

## EXAMPLES OF ENUMERATED FELONIES FOR MURDER 2 (18 Pa.C.S. § 2502(b))

- Arson
- Rape
- Robbery
- Kidnapping
- Burglary
- Aggravated Assault
- Involuntary Deviate Sexual Intercourse
- Mayhem
- Escape
- Carjacking
- Criminal Use of a Communication Facility
- Drug Delivery Resulting in Death
- Manufacturing, Delivery, or Possession With Intent to Manufacture or Deliver Certain Controlled Substances
- Aircraft Piracy
- And others listed in 18 Pa.C.S. § 2502(b)

## ★ IMPORTANT

The grade of homicide determines the maximum penalty. The court does not determine guilt, only whether there is sufficient evidence to proceed.

★ STUDY SMART. KNOW THE LAW. SERVE JUSTICE. ★



# ANATOMY OF A CRIME

## BUILDING BLOCKS OF CRIMINAL LIABILITY

### MENS REA (18 Pa.C.S. § 302)

THE GUILTY MIND - MENTAL STATE

	<b>1</b> INTENTIONAL	When it is the conscious objective or desire to engage in conduct or cause a result.
	<b>2</b> KNOWING	When a person is aware that his conduct is of a certain nature or that certain circumstances exist.
	<b>3</b> RECKLESS	When a person consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists.
	<b>4</b> NEGLIGENT	When a person should be aware of a substantial and unjustifiable risk, but he is not aware of it.

MIND = MENTAL STATE

### MENS REA (GUILTY MIND)

The mental element of the crime.

### ACTUS REUS (GUILTY ACT)

The physical element of the crime.

### ACTUS REUS

THE GUILTY ACT - PHYSICAL CONDUCT

PHYSICAL CONDUCT INCLUDES:

- ACT**  
A voluntary physical movement.
- OMISSION**  
A failure to act when there is a legal duty to do so.
- VOLUNTARY CONDUCT**  
The act or omission must be the product of the person's will.

EXAMPLES OF ACTUS REUS

- PUNCHING THE VICTIM**  
Inflicting physical injury.
- TAKING PROPERTY**  
Theft, robbery, burglary, etc.
- DRIVING A VEHICLE**  
DUI, reckless driving, fleeing, etc.
- FAILURE TO PROVIDE LEGALLY REQUIRED CARE**  
Endangering welfare of children, elder abuse, etc.

HANDS = ACTION

### INCHOATE OFFENSES

WHEN THOUGHT MOVES TOWARD ACTION

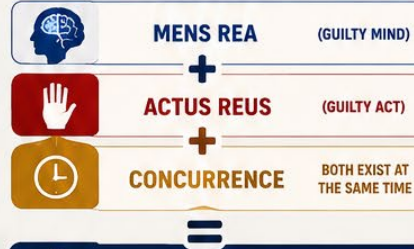
- SOLICITATION**  
Purposely trying to persuade another to commit a crime.
- CONSPIRACY**  
Agreement between two or more persons to commit a crime.
- ATTEMPT**  
A substantial step taken toward committing a crime.

THE PROGRESSION OF CRIMINAL CONDUCT



### CRIMINAL LIABILITY

TO PROVE MOST CRIMES, THE COMMONWEALTH MUST ESTABLISH:



### COMMONWEALTH MUST PROVE:

- GUILTY MIND**  
The defendant had the required mental state.
- GUILTY ACT**  
The defendant committed the prohibited act or omission.
- REQUIRED ELEMENTS**  
All elements of the offense are proven.
- STANDARD OF PROOF**  
**BEYOND A REASONABLE DOUBT**  
The highest standard in our legal system.

### QUICK RULE TO REMEMBER

- NO GUILTY ACT ALONE.**
- NO GUILTY THOUGHT ALONE.**
- MOST CRIMES REQUIRE BOTH.**



JUSTICE REQUIRES BOTH A GUILTY MIND AND A GUILTY ACT.  
**NO CRIME. NO PUNISHMENT.**





# INCHOATE CRIMES

WHEN THOUGHT MOVES TOWARD ACTION



Inchoate crimes punish a person for criminal conduct that **falls short** of completing the intended offense.

## 1 SOLICITATION

18 Pa.C.S. § 901

Purposely trying to persuade another to commit a crime.



### REQUIREMENTS

- The actor solicits, requests, commands, or importunes another person.
- The actor does so with the purpose that the other person commit a crime.
- The other person need not actually agree or commit the crime.

### EXAMPLE

A asks B to rob a convenience store. B refuses. A is guilty of Solicitation.

## 2 CONSPIRACY

18 Pa.C.S. § 903

Agreement between two or more persons to commit a crime.



### REQUIREMENTS

- Agreement between two or more persons to commit a crime.
- Intent to promote or facilitate the commission of that crime.
- An overt act by one or more of the co-conspirators in furtherance of the agreement.

### EXAMPLE

A, B, and C agree to break into a warehouse. B buys the tools. C drives the getaway car. All three are guilty of Conspiracy.

## 3 ATTEMPT

18 Pa.C.S. § 901

A substantial step taken toward the commission of a crime.



### REQUIREMENTS

- Specific intent to commit a crime.
- An overt act constituting a substantial step toward the commission of that crime.
- The act must strongly corroborate the actor's criminal purpose.

### EXAMPLE

A intends to steal a car. A jimmies the door lock but is caught before driving away. A is guilty of Attempt.

## THE PROGRESSION OF CRIMINAL CONDUCT



## KEY DISTINCTIONS

	SOLICITATION	CONSPIRACY	ATTEMPT
<b>FOCUS</b>	Asking / persuading another	Agreeing with others	Taking a substantial step
<b>NUMBER OF PEOPLE</b>	At least 2 (solicitor + other)	At least 2 (co-conspirators)	Can be 1 (the actor alone)
<b>OVERT ACT REQUIRED?</b>	No	Yes (by any conspirator)	Yes (substantial step)
<b>OTHER PERSON MUST AGREE?</b>	No	Yes	N/A
<b>CRIME COMPLETED?</b>	No	No	No

## PENALTIES

Inchoate crimes are graded based on the degree of the crime intended and carry the following maximum penalties:

IF THE INTENDED CRIME IS:	SOLICITATION	CONSPIRACY	ATTEMPT
<b>1st DEGREE (Felony)</b>	3 years	5 years	10 years
<b>2nd DEGREE (Felony)</b>	2 years	3 years	5 years
<b>3rd DEGREE (Felony)</b>	1 year	18 months	2 years
<b>Misdemeanor</b>	Same as the intended offense	Same as the intended offense	Same as the intended offense

**!** The court may impose a lesser sentence than the crime intended, but never greater than shown above.

## IMPORTANT NOTES

- Inchoate crimes are complete even if the intended crime is impossible, failed, or the circumstances change.
- It is not a defense that the crime intended was not actually committed.
- The law intervenes early to prevent harm before it occurs.

## MEMORY AID

THOUGHT → PLAN → STEP → CRIME



The law stops the crime before the last step.

## WHY IT MATTERS

- Protects society by stopping crimes early.
- Discourages criminal agreements and preparation.
- Holds individuals accountable for their intent and actions.
- Ensures justice even when the crime is not completed.



THE LAW DOESN'T WAIT FOR THE CRIME TO HAPPEN. IT ACTS WHEN THE MIND DECIDES AND THE STEPS BEGIN.





# SEARCH WARRANTS

## — AT A GLANCE —



THE FOURTH AMENDMENT PROTECTION: NO WARRANT, NO SEARCH, NO EXCEPTION.

### 1. WHAT IS A SEARCH WARRANT?

A search warrant is a written order issued by a neutral and detached magistrate authorizing law enforcement to search a specific place for specific items, and to seize those items.



#### KEY POINT

A warrant does not authorize an arrest—it only authorizes a search and/or seizure.

### 2. REQUIREMENTS FOR A VALID SEARCH WARRANT



#### PROBABLE CAUSE

The affidavit must establish a fair probability that evidence of a crime will be found.



#### OATH OR AFFIRMATION

The affidavit must be sworn to before the issuing authority.



#### PARTICULARITY

The warrant must particularly describe:

- The place to be searched
- The items to be seized



#### NEUTRAL & DETACHED MAGISTRATE

The warrant must be issued by a judge, magisterial district judge (MDJ), or another authorized issuing authority.

### 3. CONTENTS OF THE WARRANT

#### COMMONWEALTH OF PENNSYLVANIA SEARCH WARRANT

To any Officer of the Commonwealth:  
You are hereby commanded to search:  
(Describe the place to be searched)



For the following items:  
(Describe the items to be seized)



Based on the affidavit of:  
(Name of affiant)

Probable cause is found.

Date issued: \_\_\_\_\_ Time: \_\_\_\_\_

Issuing Authority  
(Judge / MDJ)

**PLACE**  
Clearly describe the location to be searched.

**ITEMS**  
Clearly describe the items to be seized.

**AFFIANT**  
The person who swore to the affidavit.

**JUDGE**  
The issuing authority's signature.

### 4. TYPES OF SEARCH WARRANTS



#### PREMISES WARRANT

Authorizes the search of a specific place (home, building, vehicle, etc.).



#### THING WARRANT

Authorizes the seizure of specific items of personal property.



#### PERSON WARRANT (RARE)

Authorizes the search of a person for specific items.



#### DIGITAL WARRANT

Authorizes the search and seizure of electronic data or devices.

### 5. THE PROCESS



#### 1 AFFIDAVIT IS PREPARED

Officer/affiant sets forth facts establishing probable cause.



#### 2 PRESENTED TO ISSUING AUTHORITY

Affidavit is reviewed by a neutral and detached MDJ or judge.



#### 3 PROBABLE CAUSE FOUND

Issuing authority determines probable cause exists.



#### 4 WARRANT IS ISSUED

The warrant is signed and delivered to the officer.



#### 5 WARRANT IS EXECUTED

Officer searches the place and seizes the items as authorized.



#### 6 RETURN (INVENTORY)

A return is filed with the court listing the items seized.

### 6. EXECUTION OF THE WARRANT



#### EXECUTE PROMPTLY

Warrant must be executed within a reasonable time.



#### DAY OR NIGHT

If not limited, it may be executed day or night.



#### ANNOUNCE PRESENCE & PURPOSE

Announce who you are and your purpose unless it would be dangerous, futile, or inhibit the investigation.



#### SEARCH ONLY WHERE AUTHORIZED

Search only areas where the items described could reasonably be found.



#### SEIZE ONLY WHAT IS AUTHORIZED

Seize only the items listed or reasonably described in the warrant.



#### RESPECT PRIVACY

Search must be reasonable and not excessively intrusive.

### 7. DEFECTS THAT MAY INVALIDATE A WARRANT

- ✗ Lack of probable cause
- ✗ Not supported by oath or affirmation
- ✗ Not specific enough (overbroad or general)
- ✗ Not issued by a neutral and detached magistrate
- ✗ Stale information with no current nexus
- ✗ Facially deficient (missing essential elements)

### 8. EXCEPTIONS (NO WARRANT REQUIRED)

- ✓ Consent
- ✓ Exigent Circumstances
- ✓ Search Incident to Lawful Arrest
- ✓ Plain View Doctrine
- ✓ Automobile Exception
- ✓ Stop and Frisk (Terry) – limited
- ✓ Border / Airport Searches
- ✓ Inventory Searches (lawful custody)

### 9. REMEMBER

*“The right to be secure in your persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

— FOURTH AMENDMENT —



#### PRACTICE TIP

Always read the warrant carefully before execution. When in doubt, get guidance.



#### EXAM ALERT

On the exam, know the requirements, contents, execution rules, and exceptions.



#### BOTTOM LINE

A VALID WARRANT = LEGAL SEARCH  
AN INVALID WARRANT = SUPPRESSED EVIDENCE



PROTECTING RIGHTS. FOLLOWING THE LAW. SEEKING JUSTICE.  
**KNOW THE RULES. DO IT BY THE BOOK.**





# CRIMINAL PROCEDURE ROAD MAP

## FROM COMPLAINT TO TRIAL (and Beyond)

The criminal process is a series of steps that protect the rights of the accused while allowing the Commonwealth to pursue justice. Follow the road from **accusation** to **resolution**.



### THE GOAL OF CRIMINAL PROCEDURE

- Protect the Rights of the Accused
- Ensure Justice for Victims and Society
- Follow the Rule of Law at Every Step

### REMEMBER

Every step in the process matters. Each protects rights, serves a purpose, and moves the case forward.

### QUICK REFERENCE

- Before Trial = Accusation & Preparation (Steps 1-6)
- Trial = Determination of Guilt (Step 7)
- After Trial = Sentencing & Review (Steps 8 & Appeals)

**JUSTICE IS A JOURNEY. PROCEDURE IS THE ROAD. FOLLOW THE MAP. RESPECT THE RIGHTS. SEEK THE TRUTH.**



# DEFINITIONS

## KEY TERMS EVERY MDJ MUST KNOW

★ KNOW THE TERMS. UNDERSTAND THE LAW. SERVE JUSTICE. ★



### PEOPLE, COURTS & GEOGRAPHY



#### AFFIANT

A person who swears to or affirms the truth of the facts in a written statement (affidavit). The affiant is responsible for the information contained in the affidavit.



#### ISSUING AUTHORITY

The judge or MDJ who has the legal authority to issue a warrant or other process based on a determination that the legal requirements have been met.



#### MDJ (MAGISTERIAL DISTRICT JUDGE)

A judicial officer who hears cases in a local magisterial district. MDJs have jurisdiction over minor offenses, preliminary arraignments, search warrants, bail, and other matters as provided by law.



#### ACM (ADMINISTRATIVE CRIMINAL MAGISTRATE)

A judicial officer who hears non-traffic summary cases for minor offenses filed by citation in the magisterial district. An ACM does not conduct preliminary arraignments or issue search warrants; those functions belong to the MDJ.



#### JUDICIAL DISTRICT

One of the geographic divisions of Pennsylvania established by the Unified Judicial System Act. Each district has a Court of Common Pleas that hears criminal felony and misdemeanor cases and appeals from the districts.



#### MAGISTERIAL DISTRICT

The geographic area served by an MDJ. Magisterial districts are subdivisions within judicial districts that handle preliminary arraignments, summary offenses, and other judicial functions authorized by law.



#### VENUE

The county or place where a case should be heard. Proper venue is the correct geographic location for the court to exercise jurisdiction over a case.



#### JURISDICTION

The legal authority of a court or judicial officer to hear and decide a case or issue orders. Jurisdiction includes subject matter jurisdiction (the type of case) and territorial jurisdiction (the geographic area).



#### FOUR CORNERS SCENARIO

Used to determine where a crime occurred and which MDJ has territorial jurisdiction.

- A. BEGINNING POINT – Where the criminal act began.
- B. TERMINATION POINT – Where the criminal act ended.
- C. EFFECTS POINT – Where the effects of the crime were felt.
- D. ARREST POINT – Where the offender was arrested.

Jurisdiction exists in ANY ONE of the four corners (A, B, C, or D).

A case may be filed in the district where ANY of these events occurred.



### UNDERSTANDING THE TERMS



These terms identify who, where, and under whose authority the court acts.



Venue and jurisdiction ensure that a case is heard in the proper place by the proper court.



Affidavits, warrants, and other documents are issued based on affirmed facts and legal authority.



MDJs and ACMs serve different roles and have different authorities by law.





# DEFINITIONS

## KEY TERMS EVERY MDJ MUST KNOW

★ KNOW THE TERMS. UNDERSTAND THE LAW. SERVE JUSTICE. ★



### LEGAL DOCUMENTS & PROCESS



#### AFFIDAVIT

A written statement of fact, sworn to or affirmed under oath, made voluntarily and used as evidence.



#### VERIFIED

A pleading or document made under oath or affirmation that the statements contained in the document are true and correct to the best of the affiant's knowledge, information and belief.



#### CHARGING DOCUMENTS

Formal written documents that initiate a criminal prosecution. They include:

- **Complaint** – A written accusation of a crime made under oath.
- **Citation** – A written order to appear in court for a summary offense.
- **Information** – A formal accusation of a crime filed by a prosecutor.
- **Indictment** – A formal accusation of a crime issued by a grand jury.



#### PROCESS

The formal written order of a court commanding someone to do something or to appear in court. Process is the means by which the court asserts jurisdiction over a person or property.



#### WARRANT

A written order issued by a judge or MDJ authorizing a law enforcement officer to take specific action.

- **Arrest Warrant** – Authorizes the arrest of a person based on probable cause.
- **Search Warrant** – Authorizes the search of a person, place, or thing for specified items.



#### SUBPOENA

A written order commanding a person to appear and testify before the court at a specified time and place.



#### SUBPOENA DUCES TECUM

A written order commanding a person to appear and bring with them specified documents, records, or things to court.



#### WRIT

A written order issued under the authority of a court directing the performance of a specific act. It is an extraordinary remedy used to enforce rights or correct errors.



#### WRIT OF HABEAS CORPUS

A court order requiring a person in custody to be brought before the court to determine the legality of the detention.



#### WRIT OF CERTIORARI

A court order by a higher court to review the record and decision of a lower court to determine if there was an error of law or an abuse of discretion.



#### SUA SPONTE

Of its own accord; the court acts on its own initiative without a request from either party.



#### KEY POINT

These documents and orders are the tools that put the court's authority into action and protect the rights of individuals while ensuring the proper administration of justice.

#### QUICK REFERENCE REMINDER



#### AFFIDAVIT

Sworn statement of fact used as evidence.



#### VERIFIED

Sworn pleading confirming statements are true.



#### CHARGING DOCUMENTS

Complaint, citation, information, indictment.



#### WARRANT

Court order authorizing arrest or search.



#### SUBPOENA

Court order to appear and testify.



#### WHY IT MATTERS

Understanding legal documents and process helps MDJs ensure proper procedure, protect constitutional rights, and uphold the rule of law.

#### REMEMBER

- ✓ Accuracy in documents protects rights.
- ✓ Proper process gives the court jurisdiction.
- ✓ Warrants and writs are powerful tools—use them wisely and lawfully.





# DEFINITIONS

## KEY TERMS EVERY MDJ MUST KNOW

★ KNOW THE TERMS. UNDERSTAND THE LAW. SERVE JUSTICE. ★



### STANDARDS OF PROOF



#### BURDEN OF PROOF

The obligation of a party to prove a fact by the required standard.



#### WHAT IT MEANS

The party with the burden of proof must present enough evidence to meet the required standard.



#### STANDARD OF PROOF

The level of certainty required by law to prove a fact in a case.



#### WHAT IT MEANS

Different types of cases require different levels of certainty before a fact can be accepted as proven.



#### PRIMA FACIE

Sufficient evidence to establish a fact unless rebutted. It shifts the burden of producing evidence to the opposing party.



#### WHAT IT MEANS

Once a prima facie case is made, the other party must present evidence to rebut it.



#### PROBABLE CAUSE

Facts and circumstances that would lead a reasonable person to believe that a crime has been committed or that a person has committed a crime.



#### WHAT IT MEANS

Used to justify searches, arrests, and the issuance of warrants. It is more than a hunch but less than the level of proof required for conviction.



#### PREPONDERANCE OF EVIDENCE

Shows that a fact is more likely true than not (greater than 50% likelihood).



#### WHAT IT MEANS

Used in most civil cases. The evidence does not have to be overwhelming—just more convincing than the opposing side.



#### CLEAR & CONVINCING EVIDENCE

Evidence that produces in the mind of the fact-finder a firm belief or conviction about the truth of the facts sought to be proved.



#### WHAT IT MEANS

A higher standard than preponderance, but lower than beyond a reasonable doubt. Used in cases such as termination of parental rights and certain civil matters.



#### BEYOND A REASONABLE DOUBT

The highest standard of proof in criminal cases. Proof that leaves the fact-finder firmly convinced of the defendant's guilt based on the evidence.



#### WHAT IT MEANS

The evidence must be so strong that a reasonable person would have no reasonable doubt about the defendant's guilt.

#### ORDER OF STANDARDS (LOWEST TO HIGHEST)



#### KEY POINTS TO REMEMBER

- ✓ The law requires different levels of certainty depending on the type and seriousness of the case.
- ✓ As the standard increases, the amount and quality of evidence required also increases.
- ✓ MDJs frequently apply the standards of probable cause, preponderance of the evidence, and beyond a reasonable doubt.





# DEFINITIONS

## KEY TERMS EVERY MDJ MUST KNOW

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### CRIMINAL LAW CONCEPTS & CASES



#### CRIME

An act or omission prohibited by law and punishable by the sovereign (Commonwealth of Pennsylvania). It consists of both a guilty act (actus reus) and a guilty mind (mens rea), unless the law defines the offense as one of strict liability.

#### ELEMENTS OF A CRIME

- ✓ **Actus Reus** – The voluntary act or omission.
- ✓ **Mens Rea** – The guilty mind or intent, unless the offense is strict liability.
- ✓ **Causation** – The act or omission causes a result proscribed by law.



#### CONVICT (NOUN)

A person found guilty of a crime after a plea of guilty or a verdict of guilty has been rendered by a judge, jury, or after a bench trial.

#### CONVICTION

The finding of guilt by a judge or jury, or the formal entry of a plea of guilty or nolo contendere, resulting in a judgment of guilt.



#### CONVICT (VERB)

To find a person guilty of a crime after a plea of guilty or a trial, or to formally adjudicate someone guilty.

#### DIFFERENCE

"Convict" (verb) is the act of finding guilty.  
"Convict" (noun) is the person who has been found guilty.



#### SUMMARY CASE

A case involving a minor offense (generally punishable by a maximum of 90 days in jail and/or a fine of \$300 or less) that is initiated by citation and heard by an ACM in the magisterial district.

#### EXAMPLES

- Retail Theft (18 Pa.C.S. § 3929(a))
- Disorderly Conduct (18 Pa.C.S. § 5503)
- Harassment (18 Pa.C.S. § 2709(a)(3))
- Many traffic violations



#### COURT CASE

A case involving a criminal offense punishable by more than 90 days in jail and/or a fine greater than \$300, which is initiated by complaint, information, or indictment and heard by the MDJ.

#### EXAMPLES

- Misdemeanor of the first or second degree
- Felonies of the third degree and above
- DUI (18 Pa.C.S. § 3802)
- Aggravated Assault (18 Pa.C.S. § 2702)
- Burglary (18 Pa.C.S. § 3502)



#### MENS REA (GUILTY MIND)

The mental state of the defendant at the time of the offense. Examples include: purpose, knowledge, recklessness, negligence. Certain offenses are strict liability and do not require proof of mens rea.



#### ACTUS REUS (GUILTY ACT)

The voluntary act or omission that constitutes the physical element of a crime. It is the "doing" or "failure to do" an act prohibited by law.

#### KEY TAKEAWAY



- ✓ A crime requires both an act (actus reus) and a guilty mind (mens rea).
- ✓ Summary cases involve minor offenses heard by an ACM.
- ✓ Court cases involve more serious offenses heard by the MDJ.
- ✓ Convict (verb) is the action; Convict (noun) is the person.

#### WHY IT MATTERS TO AN MDJ



- Understanding the nature of the offense, the type of case, and the status of the defendant is essential for:
- ✓ Determining the proper jurisdiction.
  - ✓ Issuing the correct documents.
  - ✓ Advising parties of their rights.
  - ✓ Ensuring that justice is administered fairly and in accordance with the law.





# DEFINITIONS

## KEY TERMS EVERY MDJ MUST KNOW



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### COURTROOM PRACTICE & OTHER KEY TERMS



#### OATH

A solemn promise, usually invoking the name of God, that a person will tell the truth.



#### COLLOQUY

A conversation between the judge and a party (or parties), usually in open court, to explain rights, determine voluntariness, or develop facts on the record.



#### PRO SE

A person who represents themselves in a legal matter without an attorney.



#### PRO BONO PUBLICO

A Latin term meaning "for the good of the public." It describes duties or actions performed for the public good.



#### SUA SPONTE

Of its own accord; the court acts on its own initiative without a request from either party.



#### ACT (ADVANCED COMMUNICATIONS TECHNOLOGY)

Any technology that allows for real-time communication between participants who are in different locations (e.g., video conferencing).



#### DAYTIME

The period from one-half hour before sunrise to one-half hour after sunset.



#### NIGHTTIME

The period from one-half hour after sunset to one-half hour before sunrise.



#### BAIL

The release of a defendant from custody upon the condition that they appear in court as required.



#### SECURITY

Something of value pledged or deposited to ensure the performance of an obligation, such as the payment of a fine or the appearance in court.



#### COLLATERAL

Property or assets pledged as security to secure a bond or other obligation.



#### FOUR CORNERS SCENARIO

A quick method to determine whether a court has territorial jurisdiction: the facts of the offense must appear within the four corners of the charging document.



#### WARRANT

A written order issued by a judge or MDJ authorizing law enforcement to take specific action.

- **Arrest Warrant** – Authorizes the arrest of a person based on probable cause to believe a crime was committed.
- **Search Warrant** – Authorizes the search of a person, place, or thing for specified items based on probable cause.

### QUICK REFERENCE SUMMARY



#### PEOPLE & COURTS

Know the roles of key judicial officers, the courts, and geographic areas.



#### DOCUMENTS & PROCESS

Understand the documents and orders used to move a case forward.



#### STANDARDS OF PROOF

Different levels of certainty are required depending on the type of case.



#### CRIMINAL LAW

Know the elements of crimes and the meaning of key criminal terms.



#### COURTROOM PRACTICE

Apply courtroom concepts and other important terms in daily practice.



WORDS HAVE MEANING.

MEANING HAS CONSEQUENCES.



KNOW THEM. USE THEM. LIVE THEM.

