



CRIMINAL PROCEDURE – RULE 500

JUDICIAL THINKING SERIES

CASE STUDY
#1

THE MIDNIGHT ARREST

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THE FACTS

12:43 AM — Officer Rodriguez responds to a 911 call for a domestic disturbance.

- A neighbor reports hearing screaming from inside the residence.
- The alleged victim has a swollen lower lip and red marks on her neck.
- Victim states: *“He grabbed me by the throat and pushed me into the wall.”*
- Defendant admits an argument occurred but denies any assault.



Officer files a criminal complaint charging:

- **Simple Assault (M2)**
- **Harassment (Summary)**



2:15 AM — The defendant is transported before an on-call Magisterial District Judge.

Defendant is in custody.



DOCUMENTS RECEIVED BY THE MDJ

- 1 Criminal Complaint (Rule 503)
- 2 Affidavit of Probable Cause (Rule 504)
- 3 Defendant in custody



TIME

It is **2:15 AM** on the same day as the arrest.



PARTICIPANTS

- The Magisterial District Judge (MDJ)
- The Defendant
- The Arresting Officer



GOVERNING AUTHORITY FOR THIS STAGE:

Pa.R.Crim.P. 540



GOVERNING LAW

Pa.R.Crim.P. 540 — Preliminary Arraignment.

(A) Preliminary arraignment.

The preliminary arraignment is the first proceeding held before the magisterial district judge after a criminal charge has been filed. The purpose of the preliminary arraignment is to:

- (1) inform the defendant of the charges;
- (2) advise the defendant of the defendant's rights; and
- (3) determine release conditions, including bail, if appropriate.

(B) Time. The preliminary arraignment shall be held without unnecessary delay. The defendant shall be afforded a prompt preliminary arraignment.

(C) Waiver. The defendant may waive the preliminary arraignment. The waiver shall be in writing and signed by the defendant.



KEY CASE LAW (for this stage)

Gerstein v. Pugh, 420 U.S. 103 (1975)

Requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty.

County of Riverside v. McLaughlin, 500 U.S. 44 (1991)

A probable cause determination must occur promptly — as a general rule, within 48 hours of a warrantless arrest.



ADDITIONAL AUTHORITY

All time computations in criminal cases are governed by **Rule 107**.



THINK LIKE A JUDGE. Apply the law to the facts. Act within your authority.





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EXHIBIT A: AFFIDAVIT OF PROBABLE CAUSE

COMMONWEALTH OF PENNSYLVANIA AFFIDAVIT OF PROBABLE CAUSE

I, Officer Michael Rodriguez, being duly sworn according to law, state the following:

- 1 On June 20, 2026, at approximately 12:43 AM, I was dispatched to 123 Main Street for a reported domestic disturbance.
- 2 Upon arrival, I observed Jane Smith standing outside the residence. Jane Smith appeared visibly upset and was crying.
- 3 I observed redness around Jane Smith's neck and swelling to her lower lip.
- 4 Jane Smith stated that during an argument, John Smith grabbed her by the throat and pushed her against a wall.
- 5 Neighbor Robert Jones reported hearing yelling followed by a loud bang coming from inside the residence.
- 6 I made contact with John Smith. John Smith admitted arguing with Jane Smith but denied physically assaulting her.
- 7 Based upon my investigation, I filed the following charges:
 - Simple Assault (M2)
 - Harassment (Summary)

I respectfully submit this Affidavit in support of the Criminal Complaint.

Officer Michael Rodriguez
Officer Michael Rodriguez
Badge #4271

✓ FOUR CORNERS REVIEW

INFORMATION INSIDE THE AFFIDAVIT

- | | | |
|---|------------------------------------|--|
| 1 | Victim observed crying |  |
| 2 | Redness around neck |  |
| 3 | Swollen lower lip |  |
| 4 | Victim statement |  |
| 5 | Neighbor statement |  |
| 6 | Defendant admits argument occurred |  |

✗ INFORMATION NOT IN THE AFFIDAVIT

After arriving at the MDJ office, Officer Rodriguez additionally states:

- "The victim was later transported to the hospital." ✗
- "Police have responded to this residence three times before." ✗
- "The neighbor told me the defendant appeared intoxicated." ✗
- "The victim now wishes to seek a Protection From Abuse Order." ✗

**OUTSIDE THE
FOUR CORNERS**



FOUR CORNERS PRINCIPLE

A Magisterial District Judge must determine whether there is probable cause to believe an offense has been committed based **solely on the facts contained within the four corners of the affidavit.**

QUESTION FOR REVIEW

- ✓ What information appears within the four corners of the affidavit?
- ✓ What information exists outside the affidavit?
- ✓ What information may properly be considered when reviewing the affidavit itself?



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CASE STUDY #1 – THE MIDNIGHT ARREST

YOUR JUDICIAL DECISION



You are the Magisterial District Judge. Based on the Criminal Complaint, Affidavit of Probable Cause (Exhibit A), the governing authority, and the Four Corners Principle, the following is the proper judicial analysis and decision.



1. GOVERNING LAW APPLIED

Pa.R.Crim.P. 540 governs preliminary arraignments. A probable cause determination (Pa.R.Crim.P. 500) is required to believe that an offense has been committed and that the defendant committed it.



2. FOUR CORNERS ANALYSIS

Review is limited to the contents of the Affidavit of Probable Cause itself.

✓ FACTS WITHIN THE FOUR CORNERS

- Victim was crying and visibly upset.
- Redness around the victim's neck.
- Swelling to the victim's lower lip.
- Victim states defendant grabbed her by the throat and pushed her against a wall.
- Neighbor heard yelling followed by a loud bang.
- Defendant admits arguing with the victim.

✗ FACTS OUTSIDE THE FOUR CORNERS

Hospital transport, prior police calls, intoxication, and victim's desire for a PFA are not contained within the affidavit and may not be considered.



3. DOES PROBABLE CAUSE EXIST?

✓ YES.

Considering only the facts within the four corners of the affidavit, there is a substantial basis to believe that:

- 1 An offense was committed (Simple Assault and Harassment), and
- 2 The defendant committed those offenses.

The affidavit is sufficient on its face to establish probable cause for both charges.



4. APPROPRIATE JUDICIAL ACTION



FIND PROBABLE CAUSE AND BIND OVER FOR TRIAL.

Accept the charges and bind the defendant over for trial in the Court of Common Pleas.

Commit the defendant based on the seriousness of the offenses and the defendant's prior record, if any.

Conduct a bail review in accordance with Rule 542.



5. WHAT THE MDJ MAY NOT DO

- ✗ Consider information outside the affidavit.
- ✗ Evaluate the credibility of the victim or witnesses.
- ✗ Make findings about guilt or innocence.
- ✗ Resolve conflicts in the evidence.
- ✗ Require additional evidence at this stage.



6. WHAT HAPPENS NEXT?

- 1 The defendant is bound over for trial.
- 2 The case is sent to the Court of Common Pleas.
- 3 The defendant will be arraigned in that court, where formal charges will be entered.
- 4 The case will proceed through pretrial proceedings toward resolution or trial.



7. KEY TAKEAWAY



The affidavit must stand or fall on the facts contained within its own four corners.

If the affidavit provides a substantial basis to believe an offense was committed and the defendant committed it, the MDJ must find probable cause and bind the defendant over for trial.



GOVERNING AUTHORITY

- Pa.R.Crim.P. 540 – Preliminary Arraignment
- Pa.R.Crim.P. 500 – Probable Cause Determination
- *Gerstein v. Pugh*, 420 U.S. 103 (1975)
- *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991)



FINAL DECISION



**PROBABLE CAUSE EXISTS.
BIND OVER FOR TRIAL.**



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