



JUDICIAL THINKING SERIES #3 PRELIMINARY ARRAIGNMENT

“Who Decides What — And When?”



CASE FILE

Commonwealth v. Jordan Mercer



CASE INTAKE REPORT

At 11:40 PM, police stop a vehicle for speeding.

The driver identifies himself as **Jordan Mercer**.

A records check reveals:

- Active arrest warrant
- Warrant issued by another Pennsylvania county
- Bail previously set at \$25,000 monetary

Police arrest Mercer and transport him to the on-duty MDJ for a **Preliminary Arraignment**.



DEFENDANT'S STATEMENT

Mercer immediately argues:

“This warrant is wrong.”

“The police arrested the wrong person.”

“The original judge should never have issued the warrant.”

“I want this dismissed tonight.”



OFFICER'S POSITION

- Certified warrant information
- Defendant identification
- Custody paperwork



QUESTION

- Must you decide whether the warrant was properly issued?
- Can you dismiss the underlying charges?
- What authority do you actually possess tonight?



THINK LIKE A JUDGE



Before deciding anything, ask:

What *stage* of the criminal process am I in?



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THE JUDICIAL CHALLENGE

Mercer insists the warrant should never have been issued and demands that you dismiss the charges tonight.

Different participants. Different goals. Different authority.

Your role at a Preliminary Arraignment is limited — but critical.



COMPETING PERSPECTIVES



DEFENDANT'S POSITION

- ✓ Argues the warrant was issued in error.
- ✓ Claims misidentification by police.
- ✓ Believes the underlying charges should be dismissed immediately.

GOAL: GET OUT OF CUSTODY AND END THE CASE.



COMMONWEALTH'S POSITION

- ✓ Relies on a facially valid arrest warrant.
- ✓ Maintains probable cause was found by another judge.
- ✓ Seeks to continue the case so the merits can be addressed later.

GOAL: ENSURE THE CASE MOVES FORWARD.



YOUR ROLE AS MDJ

- ✓ Not the final decision-maker on the validity of the warrant.
- ✓ Not the final decision-maker on the guilt or innocence of the charge.
- ✓ Tasked with protecting rights while following the limits of your authority.

GOAL: MAKE THE RIGHT DECISIONS WITHIN YOUR AUTHORITY.



TOOLS AVAILABLE AT THIS STAGE

- ✓ Accept the warrant as facially valid.
- ✓ Confirm identity and ensure no immediate legal bar to the arrest.
- ✓ Advise of charges and rights.
- ✓ Set or review bail consistent with law.
- ✓ Schedule the case for further proceedings.



PAUSE AND THINK: *What are you authorized to decide right now? What must be left for another judge or another stage?*





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UNDERSTANDING YOUR AUTHORITY

At a Preliminary Arraignment, your power is limited to the case before you and this stage of the process.



NOT THE FINAL DECISION

You are not deciding the merits of the charges or the validity of the warrant.



NOT THE ISSUING COURT

You do not have the authority to overturn or second-guess another judge’s issuance of a warrant.



FOCUS IS NARROW

The focus is on procedural compliance, probable cause (for continuing the case), and protecting rights.



YOUR ROLE IS A GATEKEEPER

You ensure the case moves forward in the proper direction — or not.



COMMON PITFALLS FOR MDJs

- ✗ Do not dismiss the underlying charges — that is not your authority.
- ✗ Do not rule the warrant invalid — that is for the issuing court or a higher court.
- ✗ Do not weigh credibility or evidence — this is not a trial.



APPLY YOUR JUDICIAL THINKING

- 1 What issues must you address at this stage?
- 2 What issues are outside the scope of your authority right now?
- 3 What legal standards guide your decisions about detention and bail tonight?



KEY TAKEAWAY

At a Preliminary Arraignment, you protect rights, apply the law, and keep the process moving — within the limits of your authority.





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THE DECISION

Based on the information presented, the arresting officer had a facially valid warrant for Jordan Mercer issued by another Pennsylvania county.



You have NO authority at this stage to:



Decide whether the warrant was properly issued.



Dismiss the underlying charges.



Rule on the guilt or innocence of the defendant.



Your role is to ensure the case moves forward consistent with law.

- ✓ Confirm the warrant is facially valid.
- ✓ Advise the defendant of charges and rights.
- ✓ Set or review bail and schedule the case for future proceedings.



YOUR RULING TONIGHT

For the reasons stated on the record:

- ✓ The arrest warrant is facially valid.
- ✓ The defendant is advised of the charges and rights.
- ✓ Bail is set at \$25,000 monetary, consistent with the issuing court's order.
- ✓ The defendant is committed to appear and the case is scheduled for Preliminary Hearing on _____ at _____.



KEY TAKEAWAYS

- ★ Authority at a Preliminary Arraignment is limited but essential.
- ★ Know the stage — respect the limits — protect the process.
- ★ The right decision at the right time keeps justice moving.



REFLECT BEFORE YOU CLOSE THE FILE

- What part of this case might you be tempted to decide too early? _____
- What other judicial stages will require different authority and different focus? _____
- How will you ensure you stay within your lane — and keep justice on track? _____