



# THE PRELIMINARY ARRAIGNMENT

*Who Decides What — And When?*



## YOUR FIRST DECISIONS SET THE COURSE

### THE SCENARIO

It's the middle of the night.  
 A defendant has been arrested and is brought before you.  
 Charges have been filed.  
 The officer is ready.  
 The defendant has a lot to say.  
 And you— the Magisterial District Judge— must make important decisions right now.



### WHAT IS A PRELIMINARY ARRAIGNMENT?

The preliminary arraignment is the first court appearance after a criminal arrest, when formal charges have been filed.  
 It is not a trial.  
 It is not the time to decide guilt or innocence.  
 Its purpose is to **start the case moving forward in the right direction.**



### KEY IDEA

You are not here to decide who is right.

You are here to decide **what happens next.**

The law gives you specific authority— and it is limited to this stage.



### YOUR ROLE AT THIS STAGE

*You are the neutral decision maker.*



#### REVIEW THE CHARGES

Confirm that a complaint and affidavit have been properly filed.



#### CONSIDER THE DEFENDANT

Determine whether the defendant should be released, and if so, under what conditions.



#### SET BAIL (IF APPROPRIATE)

Decide whether bail is needed and, if so, in what amount and with what conditions.



#### SCHEDULE THE NEXT STEP

Set the date, time, and any necessary conditions for the preliminary hearing.



#### PROTECT RIGHTS

Ensure the defendant understands important rights at this stage.



### YOUR GUIDING COMPASS

*Focus on process. Protect rights. Move the case forward.*  
A careful decision today helps ensure a fair case tomorrow.



### BIG QUESTIONS TO CONSIDER



What decisions am I authorized to make right now?



What issues must wait for a future proceeding?



Can I determine guilt or innocence at this stage?



Is this the time to decide whether witnesses are telling the truth?






# THE PRELIMINARY ARRAIGNMENT



## WHAT HAS BEEN FILED?

The defendant has been arrested and brought before the court.

The officer presents:

-  Criminal Complaint
-  Affidavit of Probable Cause
-  Bail Information

## CHARGES

**Count 1**  
**Simple Assault**  
18 Pa.C.S. §2701

**Count 2**  
**Disorderly Conduct**  
18 Pa.C.S. §5503

## WHAT IS HAPPENING RIGHT NOW?



The officer states:

*“Your Honor, we have filed charges and request that bail be set.”*

The defendant immediately responds:



*“The witness is lying.”*  
*“The police never got my side of the story.”*  
*“The complaint is full of mistakes.”*  
*“I want this case dismissed.”*



### REMEMBER THE PURPOSE

This is **NOT** a trial.  
The goal is to decide what happens next, not who is right.



## QUESTIONS FOR THE JUDGE

As the MDJ, ask yourself:



What decisions am I authorized to make today?



What issues must wait for another proceeding?



Can I determine guilt or innocence at this stage?



Is this the time to decide whether witnesses are truthful?





# THE PRELIMINARY ARRAIGNMENT

SEPARATING TODAY'S DECISIONS FROM TOMORROW'S



## YOUR ROLE AS MDJ

This proceeding is **NOT** a trial.

Your job is to make limited, legally authorized decisions so the case can move forward in the proper process.

## WHAT CAN THE MDJ DECIDE TODAY?

YOU CAN DECIDE TODAY

VS.

MUST WAIT FOR ANOTHER PROCEEDING



Formal charges are properly filed  
Is the complaint and affidavit in order on their face?



Hold the defendant for court  
Is the arrest lawful and the defendant properly before me?



Set bail (if appropriate)  
Is bail necessary and what conditions are appropriate?



Schedule the preliminary hearing  
Set date, time, and any necessary release conditions.



Advise of rights  
Ensure the defendant understands key rights at this stage.



Decide guilt or innocence  
That is for the trial after evidence is presented.



Decide credibility of witnesses  
Weighing testimony happens at the preliminary hearing or trial.



Resolve factual disputes  
Conflicts in the story are not resolved at this stage.



Dismiss the case on the merits  
You may not dismiss because the defendant disagrees.



Evaluate the strength of evidence  
That evaluation occurs at the preliminary hearing.



## THE PATH AHEAD

PRELIMINARY ARRAIGNMENT  
( Today )

Limited decisions



PRELIMINARY HEARING  
( Future Date )

Evaluate evidence for probable cause



TRIAL  
( If Necessary )

Determine guilt or innocence beyond a reasonable doubt



## THINK LIKE A JUDGE

- Today's job is to ensure the process is followed.
- You are not deciding who is right.
- You are deciding what happens next.
- The goal is a fair process — not a fast result.

## SELF-CHECK: TRUE OR FALSE?

1

I can set bail conditions at the preliminary arraignment.

TRUE  FALSE

2

I can decide whether the witness is telling the truth.

TRUE  FALSE

3

I can schedule the preliminary hearing at this time.

TRUE  FALSE



**REMEMBER:** At the preliminary arraignment, your role is to make the decisions the law authorizes today and allow the case to proceed to the next step.



JUDICIAL THINKING SERIES #3  
**PRELIMINARY ARRAIGNMENT**



PAGE  
**3**  
OF 4



# THE PRELIMINARY ARRAIGNMENT

DECIDE TODAY WHAT THE LAW AUTHORIZES — SAVE THE REST FOR LATER



## YOUR DECISIONS TODAY

At the preliminary arraignment, you are **not** deciding guilt. You are deciding **what happens next** and what conditions are appropriate while the case moves forward.



## KEEP IN MIND

- ✓ The preliminary arraignment is the gateway to the process.
- ✓ Your role is limited by law, but it is critical.
- ✓ Clear, calm, and consistent decisions help protect rights and ensure fairness.
- ✓ A well-run arraignment sets the tone for the rest of the case.

## WHAT YOU CAN DECIDE TODAY



### 1. SUFFICIENCY OF THE COMPLAINT

Determine if the complaint and affidavit, on their face, are sufficient to support the charges.



### 2. HOLD FOR COURT

Determine that the defendant must be held for court and that the charges are not to be dismissed at this time.



### 3. BAIL (If Appropriate)

Determine whether bail is necessary, and if so, set the amount and any appropriate conditions.



### 4. PRELIMINARY HEARING

Schedule the preliminary hearing, set the date and time, and any necessary release conditions.



### 5. ADVISE OF RIGHTS

Ensure the defendant understands the right to a preliminary hearing and other key rights.

## WHAT YOU CANNOT DECIDE TODAY



### 1. GUILT OR INNOCENCE

That decision belongs to the fact finder at trial—not the MDJ.



### 2. CREDIBILITY OF WITNESSES

Weighing testimony and deciding who to believe happens at the preliminary hearing or at trial.



### 3. FACTUAL DISPUTES

Conflicting versions of events are not resolved at arraignment.



### 4. DISMISSAL BASED ON MERITS

You may not dismiss simply because the defendant disagrees with the allegations.



### 5. WEIGHT OF THE EVIDENCE

Evaluating the strength or reliability of the evidence is for the preliminary hearing and, ultimately, for trial.



## KEY TAKEAWAYS

- ★ You are not conducting a trial.
- ★ You are making specific, limited, but important decisions.
- ★ Your goal is a fair process, not a fast result.
- ★ Save the big questions for the right proceeding.

## SELF-CHECK: TRUE OR FALSE?

- |   |  |  |  |   |
|---|--|--|--|---|
| <p><b>1</b> I can decide whether the complaint is sufficient on its face.</p> <p><input type="radio"/> TRUE   <input type="radio"/> FALSE</p> | <p><b>2</b> I can decide who is telling the truth.</p> <p><input type="radio"/> TRUE   <input type="radio"/> FALSE</p> | <p><b>3</b> I can set bail if it is appropriate.</p> <p><input type="radio"/> TRUE   <input type="radio"/> FALSE</p> | <p><b>4</b> I can dismiss the charges because the defendant says the story is wrong.</p> <p><input type="radio"/> TRUE   <input type="radio"/> FALSE</p> | <p><b>5</b> I can schedule the preliminary hearing.</p> <p><input type="radio"/> TRUE   <input type="radio"/> FALSE</p> |
|---|--|--|--|---|



**REMEMBER:** You decide what the law allows today. The other issues wait for the next step in the process.

