Understanding the criminal case process

infoshare PACOURTS

Magisterial District Judge system*

offense allegedly committed

law enforcement response and investigation

subject arrested

handled informally

subject "booked" and charges filed

released without charge

charges filed, subject summoned to preliminary hearing without arrest

preliminary arraignment - initial appearance
(charges filed before MDJ; bail is set; premlinary hearing scheduled)

MDJ preliminary hearing

charges are dropped or dismissed

bind over to Court of Common Pleas
(released on bail, diversion referral, or detained)

Common Pleas system

formal arraignment
(final charges are received in writing; guilty or not guilty plea entered; jury or nonjury trial requested)

pretrial actions
(discovery, motions, pleas; in certain circumstances, either side may appeal the court's pretrial ruling)

pretrial conference trial or plea date is set
JUNE 8

guilty plea

trial jury or judge

not guilty verdict case dismissed

presentence investigation

guilty verdict/conviction

offender sentenced

appeal upheld/overturned

if conviction overturned, either case dismissed, new trial or resentenced

if conviction is upheld, the defendant may seek relief in federal court and/or through state post-conviction process

*in Philadelphia, Municipal Court handles preliminary criminal matters

AOPC