

# Hearings and Arraignments



There are several types of court hearings and arraignments that take place when a defendant enters the justice system. These hearings take place before a trial. This resource will briefly summarize the types of court hearings and arraignments in Pennsylvania, in the order they occur during the process. Court hearings occur at the Pre-Trial Services & Prosecution and Preliminary Procedures & Adjudication phases in the Justice Map.

## PHASE: Pre-Trial Services & Prosecution

### Preliminary Arraignment

- The proceeding in which the defendant appears with the arresting police before the Magisterial District Judge.
- At this time, a copy of the complaint shall be given to the defendant.
- The judge summarizes the charges that have been made against the defendant and sets bond (usually with conditions for release).

### Bail or Detention Hearing (*Pre-Trial Services & Prosecution*)

- If a defendant who is suspected of committing a crime is arrested, this is the first court appearance before the Magisterial District Judge (MDJ).
- The MDJ sets the bail for the defendant, which is the amount of money that must be paid in order for the defendant to leave initial detention.
- The amount of bail depends on several things like the severity of the crime, the strength of the case against the defendant, a defendant's previous criminal record, and whether there is concern that the defendant may flee from police.

### Preliminary Hearing<sup>1</sup>(*Pre-Trial Services & Prosecution*)

- Occurs between three and ten days of a defendant's arrest, unless it is postpone.
- The hearing takes place in front of an MDJ.
- The defendant should have a public defender or defense counsel during this hearing.<sup>2</sup>
- Following the preliminary hearing, the judge determines from the evidence whether there is a prima facie case that: (a) an offense has been committed; and (b) the defendant has committed it.
- If the case is prima facie, the judge will order that the case be "Held for Court" for the defendant to stand trial.
- Following a Preliminary Hearing or the decision to waive (skip) the preliminary hearing, the MDJ will issue a subpoena to the defendant to appear for Formal Arraignment before the Court of Common Pleas.

[1] This stage of the proceedings before the Magisterial District Court provides significant flexibility. Things you can do before the case is "Held for Court" and sent to the Court of Common Pleas include seeking a postponement of the Preliminary Hearing, or having the individual waive the Preliminary Hearing, perhaps in exchange for reduced charges or to obtain/continue mental health or drug treatment.

[2] Reasons for postponement can include: 1) Ensuring ample time for the public defender or defense attorney to connect with professionals that can provide relevant information about their client 2) Identifying whether a competency evaluation is or needs to be occurring 3) Going through the process to have the case admitted to Accelerated Rehabilitative Disposition Program.

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## PHASE: Pre-Trial Services & Prosecution (continued)

### Points of Intervention:

- Engage with the public defender or private defense counsel, share your contact information, and request to be added to defendant's visitor list.
- Review updates to case, including information about defense counsel at <https://ujportal.pacourts.us/CaseSearch> OR through the app: PAeDocket \*De-identify: name, MJ#, and MDJ# for consults
- Engage the defense counsel in:
  - a. identifying necessary medication the individual may need
  - b. offering helpful information for the interview with the Behavioral Unit
  - c. explain social stories as a strategy to assist in preparing for justice scenarios
  - d. inquire to opportunities for individual to meet judge ahead of time
  - e. and if they can request needed accommodations in court room (dim lights, close curtain, dress comfortable, etc.)
  - f. request parent or other adult be listed on the subpoena so they can attend hearing with individual
  - g. inform of services being put into place and discuss what progress is able to be made to improve outcome and
  - h. if an individual is transferring from a county to state prison, ensure there is proper documentation to confirm disability and needs prior to starting the intake process.

## PHASE: Preliminary Procedures & Adjudication

### Change of Plea Hearing (Preliminary Procedures & Adjudication)

- A change of plea hearing is a conversation ("colloquy") between the judge and defendant that occurs during the change of plea hearing at the request of the defendant.
- A defendant has the option to make the following types of plea:
  - Plea Bargain: Agreement between the government and the defendant where the defendant agrees to plead guilty to the charge(s) in exchange for the government's withdrawal of other charges and/or a more lenient sentence.
  - Open Plea: Defendant pleading without any promise from the prosecution as to what sentence it will recommend.
  - No Contest: Defendant admits that the prosecution has evidence to support a conviction but doesn't plead "Guilty." Nonetheless, the no contest plea, if accepted by the court, results in a conviction.
- The judge must determine whether the defendant's change of plea is made knowingly,
- intelligently and voluntarily. The judge can accept the changed plea or reject it.
- If the change of plea is rejected by the judge, the case will proceed to trial.



### Points of Intervention:

- Offer to assist defense counsel in pre-sentence investigation stage.
- Create a detailed Transition Plan and provide to the defense counsel for pre-sentence investigation.

#### Additional Sources:

<https://pcv.pccd.pa.gov/available-services/Pages/The-Suspect-Goes-Through-the-Bail-Process.aspx>;  
<https://pcv.pccd.pa.gov/available-services/Pages/Preliminary-Hearing.aspx>

For more information about competency evaluations and other justice system procedures, visit the [ASERT Navigating the Justice System page](#).

