**The Importance of a Preliminary Hearing in Your Criminal Case**

If you’re charged with a crime in Pennsylvania, one of the first steps in your criminal case is a preliminary hearing. In most counties, preliminary hearings are conducted for all types of crimes except summary offenses. **A summary offense is one of the more minor types of criminal offenses, such as disorderly conduct, loitering, or public drunkenness.**Philadelphia is slightly different in that preliminary hearings are generally reserved for felony charges.

It can be challenging to decide who to hire when you’re dealing with criminal charges. Choosing an inexperienced **or incompetent** lawyer could have detrimental consequences for your caseand create long-lasting problems in your life. James H. Bonner can make sure that you receive the highest quality legal representation for your preliminary hearing and all subsequent court proceedings. To set up a consultation, call attorney James H. Bonner today at [**610-450-4555**](tel:610-450-4555) or fill out the [contact form](https://www.bonnerlaw.net/contact-us/) for a callback.

**What Exactly Is A Preliminary Hearing, And How Does it Work?**

A preliminary hearing is one of the first significant court proceedings **that will take place** after you’ve been arrested. At the hearing, the commonwealth has to establish only a prima facie case against **you,** the defendant. This means they have to show that it’s more likely than not that a crime was committed and **that** you committed it. This burden of proof is substantially lower than what has to be proven at trial.

To establish a prima facie case, the prosecutor will **not need to call many** witnesses to the stand and **will only be required to** present limited evidence to the court. The prosecutor might call only one witness for this hearing, but ten witnesses **could appear** to testify at **the** trial. The prosecutor is not required to share any evidence with you until the morning of the preliminary hearing. Once the preliminary hearing is concluded, the judge will decide if there is enough evidence to hold the case **over** for trial. If **the prosecutor did not provide enough evidence to establish a prima facie case**, the judge could throw out some or all of the charges.

**The Importance of a Preliminary Hearing For The Defendant**

There are several goals for the preliminary hearing. Some of them include the following:

* **Getting The Case Dismissed**

If the judge determines that the prosecutor has not met their **burden of proof**, they can throw out the entire case.

* **Getting The More Serious Charges Thrown Out**

The judge can throw out **any of** the charges if they believe the burden has not been met for them. Additionally, the judge may lower the gradation of certain charges based on the testimony and the evidence. For example, if you are charged with aggravated assault as a felony of the first degree, the judge may find that the evidence is actually more in line with a felony of the second degree, **which is less severe.**

* **Lock In Testimony**

All testimony during a preliminary hearing is transcribed. When you go to trial, your attorney will have a record of everything said at the hearing. If the complainant or one of the prosecutor’s witnesses **changes** their testimony at trial, your lawyer can use that record to show the judge or jury that **they have changed their story,** which might suggest that they are lying or are not a credible witness.

* **Evaluate The Credibility Of Complainant/Witnesses**

At the preliminary hearing, your attorney has the chance to watch and assess the credibility of the complainant and any witnesses who testify. It’s important to observe how a witness will come across to a judge or jury during the trial. Do they seem believable? Are they nervous? Is their story constantly changing? Do they seem entirely truthful**? Are they** likable? These things are critical for a lawyer to know so that they can appropriately prepare for **a trial or other negotiations.**

* **Bail Reductions**

If you’re in jail at the time of your preliminary hearing, your attorney can make a bail reduction motion at the end of the hearing. Bail motions are often successful if some of the charges get thrown out or reduced. It’s also possible that the facts of the case just aren’t as serious as the police report made **them** seem, so the judge may be willing to reduce a defendant’s bail, even if no charges are thrown out.

These are just some of the goals for a preliminary hearing. **These**hearings are important, so it’s **critical** to make sure you choose the right attorney.

**Frequently Asked Questions**

Preliminary hearings can be **daunting,** so we’ve compiled some of the most common questions we receive about these types of proceedings.

**Q: What is the best-case scenario in a preliminary hearing?**

**A:**The best outcome at a preliminary hearing is having all charges dismissed. If the case isn’t dismissed and a defendant is in jail, another great outcome would be having bail reduced so the defendant can go home while the case is ongoing.

**Q: What is the worst thing that can happen for a defendant at a preliminary hearing?**

**A:** Generally speaking, the worst-case scenario is that all charges get held for trial. Additionally, the judge can decide to increase bail so that the defendant is less likely to **be released.** **It’s even possible for** the judge **to revoke** or increase bail **and take the** defendant into custody at the end of the preliminary hearing.

**Q: Do I have to testify at the preliminary hearing?**

**A:** Generally speaking, the defendant will not testify. It’s very rare that anything positive could come from a defendant testifying **at this hearing,** so it’s usually best to avoid it. Everything the defendant testifies to would be on the record, so it locks in **all** their testimony for **the** trial and allows the prosecutor to learn more about the defense attorney’s strategy, which is not helpful **at all** for you.

**Q: Can the judge find me guilty at the preliminary hearing?**

**A:**No. The only determination that the judge can make at the hearing is whether there’s enough evidence to have a trial. There **are** no **findings**of innocence or guilt at this stage.

**Contact James H . Bonner To Get The Help You Deserve**

If you have a criminal case pending in Pennsylvania and need an experienced and dedicated criminal defense attorney, call James H Bonner. **The majority of** criminal cases are resolved through plea agreements, but James H. Bonner is never afraid to **take any case** to trial. He has tried dozens of juries and will always fight for you from start to finish. **If you’re being investigated by the police or concerned about possible criminal charges, he can help.** **James H Bonner has successfully defended hundreds of clients against all types of criminal charges.**

It’s also important to find an attorney who is highly regarded by the **prosecutors.** **Criminal** defense attorneys **and the same prosecutors** often work with each other repeatedly, so **they** **know and respect** if your attorney is capable and **willing to do everything necessary to manage your case properly.** **The prosecutors will understand that their case against you will not be an easy one if you have James H Bonner by your side.** If you’re looking for knowledge, experience, commitment, natural talent, and **superb** preparation, call attorney James H. Bonner today at [**610-450-4555**](tel:610-450-4555) or fill out the [contact form](https://www.bonnerlaw.net/contact-us/) for a callback.