

## CRIMINAL CASES

### Traffic

Traffic cases are summary offenses initiated by a traffic citation issued by a law enforcement officer, handed to the defendant (when possible), and then filed in the court. Failure to respond to a traffic citation could result in a license suspension.

### Non Traffic

Non-traffic criminal cases are summary offenses initiated by a law enforcement officer. Non-traffic citations are issued for violations of state criminal statutes and municipal ordinances.

### Private Criminal Complaint\*

A complaint can be filed privately by anyone other than law enforcement. While filed in Magisterial District Court, it may need approval by the District Attorney.

## CIVIL CASES

### Civil / Small Claims\*

Civil claims seeking a monetary judgment not to exceed \$12,000.00 can be filed in the magisterial district court. Defendants are entitled to file a cross-complaint to be heard at the same time. There is a fee for filing.

### Landlord/Tenant\*

A Landlord seeking possession of a property, and/or rent and damages not to exceed \$12,000.00, can file the case in the district court. There is a fee for filing.

\*Forms are available at Magisterial District Courts or online at <http://www.pacourts.us/forms/for-the-public>.

Note: Plaintiff is responsible for filling out all information.

## COURT PROCEEDINGS

### THE JUDGE

A Magisterial District Judge cannot provide any guidance to a plaintiff or defendant in a case. The Judge's role is to maintain a neutral and detached position. Each litigant is responsible for providing sufficient evidence to prove their case to the court. Criminal summary cases must be proven "beyond a reasonable doubt" and civil cases are decided upon a "preponderance of the evidence".

### PLAINTIFF / AFFIANT

When presenting a case in court, the affiant (criminal) or plaintiff (civil) always proceeds first. This is done by means of testimony and presenting evidence and/or witnesses. Witnesses are subject to cross examination by the defendant. All parties are subject to the PA Rules of Criminal Procedure and PA Rules of Civil Procedure for magisterial district judges.

### DEFENDANT

When a defendant chooses to enter a defense, it is done at the completion of the Plaintiff/Affiant's case. This is accomplished through testimony and presenting evidence and/or witnesses. Witnesses are subject to cross-examination by the Plaintiff / Affiant. All parties are subject to the PA Rules of Criminal Procedure and PA Rules of Civil Procedure for magisterial district judges.

## RESPONDING TO A CITATION

A defendant has 10 days after receiving a citation from an officer or summons from the court to enter a plea of guilty or not guilty. Failure to respond will result in the issuance of an arrest warrant.

### RESPONDING TO A CIVIL COMPLAINT

Carefully read and follow all instructions that come from the court. Respond with your intent to defend or file a cross-complaint within the time frames permitted.

### ATTORNEY SERVICES

If you are a plaintiff or a defendant in any of these cases before a magisterial district court, it is not required that you be represented by an attorney. However, if you feel it is in your best interest to be represented, you may hire an attorney. If you need assistance, you may call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375, or check your local Legal Aid, Bar Association, or Public Defender's Office.

### COURTROOM DEMEANOR

Magisterial District Court is often referred to as "the people's court" and is typically less formal than the higher courts. If you are coming to court to attend or participate in a hearing, proper attire is recommended. Respectful conduct is expected.



The **Magisterial District Courts** are the first tier of the Unified Judicial System of the Commonwealth of Pennsylvania.

There are more than 500 courts operating to hear and dispose of cases arising within local jurisdictions.

**Magisterial District Judges** in these courts have authority to:

- conduct summary trials in traffic, criminal, fish and game law, dog law, construction code and ordinance cases;
- preside over landlord tenant actions and civil cases where the amount sought is under \$12,000.00;
- conduct preliminary arraignments and set bail;
- preside over preliminary hearings;
- issue arrest warrants and search warrants;
- issue emergency orders for protection from: Abuse (Emergency PFA's), Abuse of the Elderly, Sexual Violence and Intimidation;
- perform weddings

The minor courts, also called special courts or courts of limited jurisdiction, constitute the "grass roots" level of Pennsylvania's court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter.

*For more information about Pennsylvania's Unified Judiciary, visit:*

<http://www.pacourts.us>

**READ** – Most questions can be answered by reading your court documents. Please read everything carefully and thoroughly.

**RESPOND** – Let the court know if you are pleading Guilty or Not Guilty, entering a defense to a Civil Complaint, or are unsure of what is expected of you. If you fail to respond when you are required to do so, a warrant for your arrest may be issued and you may face significant additional fees or costs.

**REMEMBER** – If you fail to remember your court date, the proceeding may be held in your absence. If you fail to make a payment to the court, a warrant will be issued for your arrest. Also remember to bring any evidence, witnesses, or documents you need to your court proceeding. The judge cannot call witnesses on the phone or accept written statements as testimony.

*Compliments of:*

Duane K. Cunningham  
Magisterial District Judge  
District Court 39-3-05  
401 South Washington Street  
Greencastle, PA 17225  
tel: 717.597.8581  
[www.judgecunningham.com](http://www.judgecunningham.com)

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# Going to Magisterial District Court

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Procedural information provided by

**S.C.J.A.P.**  
Special Court Judges  
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Promoting

**Excellence - Integrity - Consistency**  
Among Pennsylvania's  
**Magisterial District Courts**