Understanding Misdemeanor and Felony Charges in Pennsylvania

If you or someone you know has been charged with a crime in Pennsylvania, the first thing to understand is the difference between a misdemeanor and a felony. These two categories determine the severity of the charge, the potential penalties, and the long-term consequences. Knowing what each means can help you make informed decisions and prepare for what lies ahead.

Pennsylvania law classifies crimes into three main groups: summary offenses, misdemeanors, and felonies. Summary offenses are minor infractions like traffic tickets. Misdemeanors and felonies are more serious and carry heavier penalties. The distinction between them is not just about jail time. It affects your criminal record, your employment prospects, and your civil rights. This article explains how misdemeanor and felony charges work in Pennsylvania and what you should know if you are facing either.

What is a Misdemeanor in Pennsylvania?

A misdemeanor is a criminal offense that is less serious than a felony but more serious than a summary offense. Pennsylvania divides misdemeanors into three grades: M1 (first-degree), M2 (second-degree), and M3 (third-degree). The grade determines the maximum jail time and fine. For example, an M1 carries up to five years in prison, while an M3 carries up to one year. Common misdemeanors include simple assault, theft of property worth less than $2,000, and DUI (first offense with a low blood alcohol level).

Misdemeanors can still have significant consequences. Even a short jail sentence can disrupt your job, housing, and family life. A misdemeanor conviction also appears on your criminal record, which can follow you for years. For some offenses, you may be eligible for probation or alternative sentencing, such as community service or a diversion program. However, the specific options depend on the charge and your prior record.

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What is a Felony in Pennsylvania?

A felony is the most serious category of criminal charge. Felonies are also graded: F1 (first-degree), F2 (second-degree), and F3 (third-degree). An F1 carries up to 20 years in prison, an F2 up to 10 years, and an F3 up to 7 years. Some felonies, like first-degree murder, carry life in prison without parole. Common felonies include robbery, aggravated assault, drug trafficking, and theft of property worth more than $2,000.

Felony convictions have severe collateral consequences. You may lose the right to vote, own a firearm, or hold certain professional licenses. Many employers conduct background checks, and a felony conviction can make it difficult to find a job, rent an apartment, or get a student loan. In some cases, you may be required to register as a sex offender, which imposes long-term reporting obligations.

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How Charges Are Filed

In Pennsylvania, criminal charges typically begin with a criminal complaint. A police officer or a district attorney files this document after an investigation. The complaint describes the alleged offense and the evidence against the defendant. If the complaint involves a felony or a serious misdemeanor, the court issues a summons or an arrest warrant. A summons requires you to appear in court on a specific date. An arrest warrant directs law enforcement to take you into custody.



If you are arrested, you will be taken before a judge for a preliminary hearing. This is not a trial. The judge decides whether there is enough evidence (probable cause) to proceed to trial. If the

judge finds probable cause, the case moves to the Court of Common Pleas for further proceedings. At this stage, you have the right to bail. Bail is money or property you post to ensure you return for court dates. The judge sets bail based on the severity of the charge, your criminal history, and your ties to the community.

After the preliminary hearing, the district attorney files an information document, which formalizes the charges. The defendant then enters a plea: guilty, not guilty, or no contest. Most cases resolve through plea bargains, where the defendant agrees to plead guilty to a lesser charge or a reduced sentence in exchange for avoiding trial. However, you have the right to a trial by jury or by judge if you wish.

Key Differences Between Misdemeanors and Felonies

The most obvious difference is the potential punishment. Felonies carry longer prison sentences and higher fines. But the differences go deeper. Misdemeanors often have shorter statutes of limitations, meaning the state has less time to file charges. Felonies usually have longer statutes of limitations, and some serious felonies have no limit at all.

The level of evidence required for a conviction is the same for both: proof beyond a reasonable doubt. However, the prosecution often builds a more extensive case for a felony, involving more witnesses, forensic evidence, and expert testimony. Defense strategies also differ. For a misdemeanor, your attorney may focus on negotiating a plea or seeking a dismissal due to procedural errors. For a felony, the stakes are higher, and the defense may involve challenging the evidence, suppressing an illegal search, or arguing self-defense.

What To Do If You Are Charged

If you are charged with a misdemeanor or a felony, the first step is to remain calm and exercise your right to remain silent. Anything you say to police can be used against you. Do not discuss the case with anyone except your lawyer. The first phone call you should make is to an experienced criminal defense attorney. An attorney can explain the charges, advise you on your rights, and begin building a defense.

For residents of Delaware County, finding a lawyer who knows the local courts and judges is important. A local attorney understands how the system works in Media, Chester, and surrounding areas. They can help you navigate the preliminary hearing, negotiate with the district attorney, and, if necessary, prepare for trial. Many people look for a Delaware County dui lawyer when facing drunk driving charges. DUI is a common misdemeanor in Pennsylvania, but even a first offense can result in license suspension, fines, and jail time. A lawyer can challenge the traffic stop, the field sobriety test, or the blood test results. The same attorney can also handle other criminal charges, whether they are misdemeanors or felonies.

If you cannot afford a private attorney, you have the right to a public defender. Public defenders are licensed lawyers who represent indigent defendants. They are often overworked, but they provide competent representation. However, if you have the means to hire a private attorney, you may have more control over your case and more time to prepare a defense.

Long-Term Consequences

Even after you serve your sentence or complete probation, a criminal conviction stays on your record. In Pennsylvania, you may be able to have certain misdemeanors expunged after a period of time. Expungement removes the conviction from your public record. However, not all offenses are eligible. Felonies are rarely expunged, especially violent or sex crimes. For most felonies, you may be able to seek a pardon from the governor, which is a lengthy and uncertain process.

A conviction can also affect your immigration status if you are not a U.S. citizen. Certain crimes, including many felonies and some misdemeanors, can lead to deportation or denial of naturalization. It is critical to discuss these issues with an attorney who understands immigration law.



If you are a professional with a license, such as a nurse, teacher, or lawyer, a conviction can trigger disciplinary action. Many licensing boards require you to report any criminal charge, even if it is a misdemeanor. The board may suspend or revoke your license. An attorney can sometimes negotiate a plea that avoids a conviction or reduces the charge to a non-criminal offense.

Another long-term consequence is the impact on your family. A felony conviction can make it harder to secure child custody or visitation rights. Courts consider a parent's criminal history when deciding what is in the best interest of the child. A conviction for a drug offense can also affect your eligibility for federal student aid or public housing.

For anyone facing criminal charges, the best course of action is to get legal advice as soon as possible. The earlier you involve an attorney, the more options you have. Whether you are dealing with a first-time misdemeanor or a serious felony, understanding the charges and the process can reduce some of the stress and uncertainty. If you are looking for a **Delaware County dui lawyer** or an attorney for other criminal matters, find someone who practices in your county and has experience with the local court system.

If you need legal representation in Pennsylvania, you can contact the Law Office of Steven F. O'Meara, located at 14 S Orange St, Media, PA 19063, USA, by calling +1 610-557-3907.