Understanding Misdemeanor vs. Felony Charges in Delaware County

What Are Criminal Charges in Pennsylvania?

When someone is charged with a crime in Pennsylvania, the law divides offenses into two main categories: misdemeanors and felonies. The distinction matters a great deal because it affects everything from the potential sentence to the long-term consequences on your record. For residents of Delaware County and the surrounding area, knowing the difference between these two types of charges can help you better understand what you face if you or someone you know is accused of a crime.

Criminal charges begin when law enforcement files a criminal complaint. This document outlines the alleged offense and the evidence that supports it. After the complaint is filed, a judge may issue a summons or an arrest warrant. A summons is a written order to appear in court, while an arrest warrant gives police the authority to take you into custody. The type of warrant or summons often depends on the severity of the charge and whether the accused is considered a flight risk.

Misdemeanor Charges in Pennsylvania

Misdemeanors are less serious than felonies but still carry real consequences. In Pennsylvania, misdemeanors are divided into three grades: first-degree (M1), second-degree (M2), and third-degree (M3). There is also an ungraded misdemeanor category for offenses that do not fit neatly into one of the three grades. The maximum jail time for a first-degree misdemeanor is up to five years in prison. Second-degree misdemeanors carry up to two years, and third-degree misdemeanors up to one year. Fines also vary by grade.

Common examples of misdemeanor charges in Pennsylvania include simple assault, retail theft (shoplifting) under a certain dollar amount, disorderly conduct, and some drug possession cases. A misdemeanor conviction can result in a criminal record that shows up on background checks, which can affect employment, housing, and professional licensing. For many people, a first-time misdemeanor may be eligible for alternative programs like probation or a first-time offender program, but that depends on the specific circumstances and the county where the case is handled.

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If you are charged with a misdemeanor, the process typically begins with a preliminary hearing. At this hearing, a judge reviews the evidence to decide whether there is enough probable cause to send the case to trial. This is your first chance to challenge the charges. Evidence presented

by the prosecution must be examined carefully, and a strong defense can sometimes get the case dismissed at this stage. Bail is often set at the first court appearance after the arrest, and the amount depends on factors like the severity of the charge, your criminal history, and ties to the community.

Felony Charges in Pennsylvania

Felonies are the most serious category of crimes in Pennsylvania. Like misdemeanors, felonies are divided into three grades: first-degree (F1), second-degree (F2), and third-degree (F3). There is also an ungraded felony category. First-degree felonies carry a maximum penalty of up to 20 years in prison, while second-degree felonies carry up to 10 years, and third-degree felonies up to seven years. Some specific offenses, such as murder, carry life imprisonment or even the death penalty under separate statutes.



Felony charges often involve violence, significant property damage, large-scale drug trafficking, or serious fraud. Examples include robbery, aggravated assault, arson, and certain thefts over a high dollar amount. A felony conviction can have lifelong consequences, including loss of voting rights (while incarcerated), difficulty finding employment, restrictions on owning

firearms, and barriers to professional licenses. For non-citizens, a felony conviction can trigger immigration consequences such as deportation.

When facing a felony charge, the stakes are high. The preliminary hearing is a critical stage because the prosecutor must present enough evidence to convince a judge that the case should move forward. If the evidence is weak, a skilled criminal defense lawyer can argue for dismissal or for a reduction of charges to a misdemeanor. Bail in felony cases is often higher than in misdemeanor cases, and sometimes a judge may deny bail altogether if the accused is considered a danger to the community or a flight risk.

How a Criminal Defense Attorney Can Help

Whether you are charged with a misdemeanor or a felony, having experienced legal representation is essential. A knowledgeable lawyer can review the evidence, identify weaknesses in the prosecution's case, and negotiate with the district attorney's office for a favorable outcome. In some cases, that might mean getting charges reduced or dismissed. In others, it might mean negotiating a plea bargain that minimizes the penalties. A felony defense attorney who handles serious charges will understand the nuances of Pennsylvania's criminal code and the local court procedures in Delaware County.

Law Office of Steven F. O'Meara is also on Facebook.

For someone facing a felony charge, a strong defense often involves challenging the evidence. Was the search legal? Was the arrest proper? Did the police have a valid warrant? These questions can make or break a case. A felony defense attorney knows how to file motions to suppress evidence that was obtained illegally, and can argue for bail modifications if the initial amount is too high. The attorney can also advise you on whether it is better to take a plea deal or go to trial, based on the strength of the evidence and the potential sentence.

Even for a misdemeanor, the consequences can be serious enough to warrant hiring a lawyer. A first-time offender may qualify for a diversionary program that allows the charge to be dismissed after completing certain conditions, such as community service or a class. But navigating these programs requires understanding eligibility rules and deadlines. An attorney can help you apply for such programs and advocate for you in court.

What This Means for You

If you are facing criminal charges in Delaware County, the first step is to understand what kind of charge you are dealing with. The difference between a misdemeanor and a felony can change the strategy your lawyer uses. For a misdemeanor, the goal might be to get the charge reduced to a summary offense (like a traffic ticket) or to get into a first-time offender program.

For a felony, the priority is often to avoid a conviction entirely or to negotiate a plea to a lesser charge that carries a shorter sentence.

It is also important to know that the process can take time. From the initial arrest or summons through the preliminary hearing, arraignment, and trial, a criminal case can stretch over months. During that time, you may need to appear in court multiple times. Missing a court date can result in a bench warrant being issued for your arrest. Staying in touch with your lawyer and showing up on time is critical.



If you are arrested, you will be taken to a police station for booking. After that, you will have a preliminary arraignment where the charges are read and bail is set. If you can post bail, you will be released until your next court date. If you cannot, you will remain in jail. A lawyer can argue

for a lower bail amount or for release on your own recognizance, meaning you promise to appear without having to pay money.

Evidence in a criminal case can include police reports, witness statements, video footage, and physical items like weapons or drugs. Your lawyer will review all of this evidence and look for inconsistencies or constitutional violations. For example, if the police conducted a search without a warrant and without probable cause, any evidence they found may be suppressed, which can weaken the prosecution's case significantly.

At the end of the day, whether you face a misdemeanor or a felony, the outcome depends on the facts of your case and the skill of your defense. If you are in Delaware County or the surrounding area, it is worth speaking with a local attorney who knows the courts and the prosecutors. The Law Office of Steven F. O'Meara, located at 14 S Orange St, Media, PA 19063, USA, can be reached at +1 610-557-3907 for a consultation about your situation.