Theft Arrest in Pennsylvania: What Happens Next

Understanding the Process After a Theft Arrest

Being arrested for theft in Pennsylvania can be a confusing and stressful experience. The state has a specific legal process that begins the moment you are taken into custody or issued a criminal summons. Knowing what to expect in the days and weeks that follow can help you make informed decisions and avoid common missteps. This article explains the typical sequence of events after a theft arrest, the factors that influence the case, and what the outcome may mean for you.

Initial Steps After Arrest

Once you are arrested for theft, the police will take you to a local station for booking. During booking, they record your personal information, take fingerprints and photographs, and note the charges. For less serious theft allegations, such as a first-time retail theft, you might receive a criminal summons rather than a physical arrest. A summons is a legal notice to appear in court at a later date. Either way, the charges are formally filed with the district court in the county where the alleged offense occurred.



Bail or pretrial release is usually determined at an arraignment hearing, typically held within 24 to 48 hours of arrest. The judge considers factors like the severity of the theft charge, your criminal history, and your ties to the community. For misdemeanor theft, bail is often set at a modest amount, but for felony theft involving high-value property or prior convictions, bail may be higher or denied. The court may also impose conditions, such as no contact with the alleged victim or a requirement to surrender your passport.

Types of Theft Charges in Pennsylvania

Pennsylvania law classifies theft into several grades depending on the value of the property taken and the circumstances. It is important to understand which grade applies to your case because it affects potential penalties and the overall strategy.

- **Summary offense**, typically for retail theft under a certain dollar amount and no prior record. It carries a fine and no jail time.
- **Misdemeanor theft**, for theft of property valued between a few hundred and a few thousand dollars, or for certain types of property like firearms. Penalties can include up to a year in county jail.

- **Felony theft**, for theft of property valued over a few thousand dollars, or for theft involving a vehicle or a prior conviction for theft. Felony charges can lead to state prison time.

The specific charge influences whether the case stays in the local district court or moves to the county court of common pleas. Misdemeanor and felony cases typically proceed to the higher court after a preliminary hearing.

The Preliminary Hearing

Within a few weeks of the arrest, you will have a preliminary hearing before a district judge. This is not a trial; it is a proceeding where the prosecutor must present enough evidence to show that a crime likely occurred and that you were involved. The judge decides whether the case should proceed to the next level. The prosecutor may call witnesses, such as a store security officer who observed the alleged theft, or present surveillance footage. Your attorney can cross-examine witnesses and argue that the evidence is insufficient. If the judge finds probable cause, the case is bound over to the court of common pleas for further proceedings. If not, the charges may be dismissed or reduced.

Pretrial Matters and Negotiations

Once the case reaches the court of common pleas, there are several pretrial stages. Your attorney will receive discovery, which includes police reports, witness statements, and any surveillance footage or other evidence. This is the time to challenge the legality of the arrest or the seizure of evidence, if applicable. Many theft cases are resolved before trial through plea negotiations. The prosecutor may offer a deal that reduces the charge to a lesser offense or recommends a lighter sentence, especially for first-time offenders. For example, a retail theft charge might be reduced to a summary offense in exchange for paying restitution and completing a theft prevention program. Accepting a plea avoids the uncertainty of a trial but still results in a criminal record, so it is a decision that should be made carefully with legal advice.

Trial and Sentencing

If no plea agreement is reached, the case goes to trial. In Pennsylvania, theft cases are heard by a judge (bench trial) or a jury, depending on the severity and your preference. The prosecutor must prove beyond a reasonable doubt that you intended to take the property and that it belonged to someone else. Intent is a key element; if the evidence shows that you mistakenly believed the property was yours or that you had permission, the charges may not hold. If the trial results in a conviction, sentencing occurs at a later date. The judge considers the nature of the theft, your criminal history, and any mitigating factors. Sentences can include probation,

fines, restitution, community service, or incarceration. For felony theft, state prison time is possible.

What This Means for Your Future

A theft conviction in Pennsylvania can have long-lasting consequences beyond the immediate sentence. It may appear on background checks, affecting employment, housing, and professional licensing. Even a conviction for a misdemeanor can be a barrier. However, not all theft cases end with a conviction. If the evidence is weak, the case may be dismissed. Some defendants are eligible for programs like accelerated rehabilitative disposition (ARD) for first-time, non-violent offenses. ARD allows you to complete a period of supervision and, upon successful completion, have the charges dismissed and your record expunged. Expungement removes the arrest from your public record, which can be invaluable.

Working With a Pennsylvania Theft Lawyer

Navigating the criminal justice system alone is difficult, especially when facing charges that hinge on evidence like surveillance footage or witness testimony. A Pennsylvania theft lawyer can evaluate the strengths and weaknesses of your case, advise you on whether to accept a plea or go to trial, and represent you at every stage. They can also help negotiate with prosecutors for a favorable outcome, such as a reduction in charges or a diversion program. If you are seeking legal guidance, resources like stevenomearalaw.com provide information about criminal defense in Pennsylvania, including theft-related matters. The firm helps people facing a range of charges, from DUI and traffic violations to violent crime and theft, in Delaware and Chester Counties.

Practical Steps to Take

If you have been arrested for theft in Pennsylvania, there are a few things you can do to protect yourself. First, exercise your right to remain silent until you have spoken with an attorney. Anything you say to police can be used against you, even if you think you are helping your case. Second, gather any documents related to the incident, such as receipts or correspondence, and share them with your lawyer. Third, attend all court hearings; failure to appear can result in additional charges and a warrant for your arrest. Finally, consider the long-term implications of a conviction and discuss options like expungement with your attorney. Every case is different, and the right strategy depends on the specific facts, including any prior convictions and the value of the property involved.

Final Considerations

Being charged with theft does not automatically mean you will be convicted. The Pennsylvania legal system provides opportunities to challenge the evidence, negotiate a resolution, or seek alternative programs. Understanding the process from arrest through sentencing helps you stay informed and engaged in your defense. For more detailed information on theft charges and criminal defense in Pennsylvania, you may consult resources like stevenomearalaw.com, which offers guidance on the legal landscape in Delaware and Chester Counties. The key is to act promptly, seek knowledgeable legal counsel, and make decisions based on a clear understanding of your rights and the potential outcomes.