

# POCKET PRELIMS

by

**The Honorable Daniel M. Coble**

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*Dedicated  
to  
Kristen Coble*

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## **Glossary of Acronyms**

ABHAN- Assault and Battery of a High and Aggravated Nature

CIO – Chief Investigating Officer

CWP – Concealed Weapon Permit

DVHAN- Domestic Violence of a High and Aggravated Nature

FTC – Financial Transaction Card

GS – General Sessions

HTO – Habitual Traffic Offender

MDMA - Methylenedioxyamphetamine

Prelim- Preliminary

Prox. – Proximity

PWID – Possession with Intent to Distribute

UCP – Unlawful Carrying of a Pistol

UTT – Uniform Traffic Ticket

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## Preface

First, I have to say what this book is not before I say what it is. It is not a fast and steady rule book used to get a case dismissed or a case bound over. It is not meant to prejudge any case. Every case is unique and will be completely based on its particular facts. It is not meant as boiler plate advice to be read ad nauseum to a judge. In several sections of this book, I give factors to consider. This in no way is meant to tell you what to argue or what a judge expects to hear. It is merely examples of what I have heard in my years in the courtroom. Some arguments win, some lose. But they must be based on the case at hand and the facts presented during the hearing. This book is not giving advice, encouragement, or guidance to attorneys on how to handle their case.

Now that we got that out of the way, let me tell you what this book is. I have been through many preliminary hearings (which I will often refer to as prelims in this book), both as a prosecutor and as a magistrate judge, and have seen some of the best lawyering and representation ever. I want to share that with more people. Why? Because prelims are an important, protected right of most defendants and they should not be squandered. Trust me, I have squandered, screwed up, and lost plenty of prelims in my time.

Sometimes in life you need to know a lot about a little. And sometimes you need to know a little about a lot. Well with prelims, you need to know a lot about a lot. And you need to know it quick. When I first became a magistrate judge, I tried making notes and carrying cases with me to prelims. I quickly learned that even if I remembered to bring everything, it was impossible to locate exactly what I was looking for in the moment. Prelims move quickly, and there are so many cases, statutes, rules and arguments that need to be made that it can be easy to forget the simple things.

That is what I want this book to be. A quick reference guide for all of those small things that you know you know, but you just cannot remember at the moment. I, by no means, know more than any other lawyer or judge about prelims, probable cause, case law, etc. But I want a book that organizes what I have learned over the years from those lawyers and judges who came before me.

Why do you need this book? You might not. If you have your list of charts, statutes, and cases organized in your own way and it works for you, then that is what I want you to use. However, if you do not have that, then this book is meant to be precisely that. The more prepared attorneys and judges are, the fairer and more efficient prelims will be.

Good luck at your next prelim. I look forward to hearing your arguments.

The Honorable Daniel M. Coble