

RULE **[87] 457**. WITHDRAWAL OF CHARGES IN SUMMARY CASES.

(A) In any summary case pending before an issuing authority, at any time before the completion of the summary trial or acceptance of a guilty plea, the issuing authority may permit the affiant, or the affiant's designee, to withdraw one or more of the charges.

(B) When an issuing authority permits an affiant or the affiant's designee to withdraw one or more of the charges, the issuing authority shall record the withdrawal on the transcript, and promptly shall notify the defendant in writing.

COMMENT: This rule permits the withdrawal of charges in summary cases pending before an issuing authority.

To ensure that an adequate record is made of any withdrawals, the issuing authority is required to include in the transcript of the case the fact that he or she permitted the withdrawal. In addition, the issuing authority must give the defendant written notice of the withdrawal.

For the procedures for withdrawal of charges in a court case pending before an issuing authority, see Rule **[151] 551**.

NOTE: **Rule 87 [A]** adopted April 18, 1997, effective July 1, 1997 **[.] ; renumbered Rule 457 and Comment revised March 1, 2000, effective April 1, 2001.**

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**COMMITTEE EXPLANATORY REPORTS:**

**Final Report explaining the provisions of new Rule 87 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at Pa.B. ( \_\_\_\_\_, 2000).**