

RULE **[26] 135**. TRANSCRIPT OF PROCEEDINGS BEFORE ISSUING AUTHORITY.

[(a)] (A) The issuing authority shall prepare and forward to the court of common pleas a transcript of the proceedings in all summary cases when an appeal is taken and in all court cases when the defendant is held for court.

[(b)] (B) The transcript shall contain the following information, where applicable **[.]** :

- (1) the date and place of hearings;
- (2) the names and addresses of the prosecutor, defendant, and witnesses;
- (3) the names and office addresses of counsel in the proceeding;
- (4) the charge against the defendant as set forth in the prosecutor's complaint;
- (5) the date of issuance of any citation, summons, or warrant of arrest and the return of service thereon;
- (6) a statement whether the parties and witnesses were sworn and which of these persons testified;
- (7) when the defendant was held for court the amount of bail set;
- (8) the nature of the bail posted and the name and address of the corporate surety or individual surety;
- (9) a specific description of any defect properly raised in accordance with Rule **109 [90 or Rule 150]**;
- (10) a notation that the defendant was advised of the right to apply for the assignment of counsel;
- (11) the defendant's plea or guilty or not guilty, the decision that was rendered in the case and the date thereof, and the judgment of sentence and place of confinement, if any;
- (12) any other information required by the rules to be in the issuing authority's transcript.

COMMENT: [Previous subparagraph (b)(10) was deleted in 1982 and previous subparagraph (b)(7) was deleted in 1983 in view of the Judiciary Act Repealer Act repeal of the Act on July 10, 1935, P.L. 643, No. 228, § 1 (formerly 19 P.S. § 29) and the Act of March 18, 1909, P.L. 42, § 3 (formerly 19 P.S. § 26). See JARA § 2(a), 42 P.S. § 20002(a) [916] [1167] (1982).]

The requirement of a docket was deleted from this rule in 1985 because dockets are now routinely maintained under the supervision of the Administrative Office of Pennsylvania Courts. It is expected that issuing authorities will continue to keep dockets of criminal proceedings. The transcript requirements presuppose an accurate docket to supply the information necessary to prepare an transcript.

The procedures regarding the filing of a transcript after appeal in summary cases are set forth in Rule **[67(e) and (f)] 460(C) and (D)**. For such procedures after the defendant is held for court in a court case, see Rule **[146] 547**. With regard to other information required by the rules to be in the transcript, see, e.g. Rule **[142] 542**.

NOTE: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986 [.] ; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001.

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COMMITTEE EXPLANATORY REPORTS:

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