

RULE 571.2 ARRAIGNMENT; PRESENCE OF DEFENDANT AND COUNSEL

A defendant whose charges are held for or waived to court shall appear in person on the date and at the time ordered for arraignment at the Court Arraignment Office, accompanied by counsel who must file an appearance at that time in accordance with Pa.R.Crim.P. 120, provided that:

(a) If defense counsel has entered an appearance, either personally or by mail prior to the date set for the arraignment, defense counsel shall not be required to be present at arraignment if the defendant appears personally.

(b) If defense counsel secures an Order of Court authorizing defense counsel to appear on behalf of the defendant at arraignment, defense counsel may appear in lieu of the defendant at arraignment, accept and acknowledge receipt of the materials specified in All.C.R.Crim.P. 571.1, and defense counsel shall be responsible for notifying the defendant of the next required court appearance.

(c) Such order shall not excuse a defendant from any personal interview required by the Attorney for the Commonwealth for evaluating the eligibility of the defendant for Accelerated Rehabilitative Disposition.

(d) If such an order has been obtained and arraignment cannot be completed due to a delay of a criminal information being filed by the Attorney for the Commonwealth or for other good reason and it is necessary to schedule a subsequent arraignment, the defendant shall not be required to appear in person at such later arraignment if the attorney of record appears on the defendant's behalf. Counsel may do so without further Order of Court.

(e) If the defendant appears for scheduled arraignment without the defendant's counsel of record and it is necessary to schedule a subsequent arraignment, the defendant must appear personally at the rescheduled arraignment, unless an order of the court is obtained authorizing the defendant's attorney to appear on the defendant's behalf.

(f) A defendant shall not be required to appear in person at a scheduled arraignment if all charges have been dismissed or withdrawn, or an order of *nolle prosequi* or return to magisterial district judge for further proceedings prior to arraignment or for such other reason granted by order of the court has been entered.