

Rule 4-I. Use of Summons When Reprosecuting Offense

If a prosecution is terminated by nolle prosequi or by court dismissal without prejudice and if the attorney for the government elects to reinstitute the prosecution or to bring a subsequent prosecution against the same party arising out of the same fact situation as the charge which was terminated by nolle prosequi or dismissal, the prosecuting authority must, except for good cause shown, serve the party by summons and must notify in writing the party's former counsel of the date and place formal charges will be reinstated.

COMMENT TO 2016 AMENDMENTS

This rule, retained from the former rule, has no federal counterpart. Minor stylistic changes have been made to maintain consistency throughout the rules.