

TO:

Rule 28 Distribution
Hon Jennifer E Green, Judge
Jennifer E Green
Rachel H Mitchell
Paul W Ahler
David J Euchner
Lisa M Panahi

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 38.2. Resuming Prosecution

(a) [No change]

(b) **Order to Resume Prosecution.** After receiving a notice of the defendant's failure to fulfill the deferred prosecution conditions, the court must vacate the suspension order and order that the prosecution resume. The court must mail a copy of the order to the defendant and defense counsel, if any. After the court orders that the prosecution resume, the State may allow a defendant additional opportunities to participate in a deferred prosecution program as provided by Rule 38.1(a).

(c) [No change]

¹ Additions to the text of a rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.