

**IN THE COURT OF COMMON PLEAS  
FOR THE STATE OF DELAWARE**

**STANDING ORDER**

**IN RE: Driving Under the Influence Cases in New Castle County**

WHEREAS, it has come to the Court's attention that a number of changes in procedure will improve the processing of Driving Under the Influence Cases in New Castle County,

THEREFORE, it is ORDERED that effective September 1, 2012, the following procedures shall apply in all Driving Under the Influence cases:

1. At Arraignment, Defendant enters a plea of Guilty or Not Guilty. If a plea of Not Guilty is entered, Defendant elects a Jury or Non-Jury Trial.
2. Following Arraignment, all Driving Under the Influence cases shall be scheduled for Case Review.
3. The appearance of Counsel and the Defendant are mandatory at Case Review.
4. During Case Review, Defense Counsel shall communicate to the accused any formal plea offer from the prosecution in accordance with *Missouri v. Frye*, 132 S.Ct. 1399 (U.S. 2012), and *Lafler v. Cooper*, 132 S.Ct. 1376 (U.S. 2012).
5. Counsel shall complete and submit the Driving Under the Influence Scheduling Order at Case Review for consideration by the Court.
6. A Motion to Suppress filed on a Non-Jury Case shall be heard on the day of Trial.
7. A Motion to Suppress filed on a Jury Trial Case shall be heard in advance of Trial on a Criminal Motion Calendar.

/s/ Alex J. Smalls

Chief Judge