COURT OF COMMON PLEAS

for the State of Delaware



PLEAIN ABSENTIA
INFORMATION PACKET

ENTERING A PLEA IN ABSENTIA IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

I. What is a Plea in Absentia?

Generally, if you have charges pending in the Court of Common Pleas, your case will be scheduled for trial, and you will be required to appear in court on the date of your trial. A Plea in Absentia allows you to enter a plea of guilty without actually appearing in court under Court of Common Pleas Criminal Rule 43(c).

II. Do I need an attorney to enter a Plea in Absentia?

You are not required to be represented by an attorney to enter a Plea in Absentia. However, if you are represented by an attorney, your attorney <u>must</u> complete and submit the Plea in Absentia Form. **If you plan to be represented by the Public Defender's Officer, you must contact them immediately at:**

New Castle County	Kent County	Sussex County	
(302) 255-0130	(302) 739-4476	(302) 856-5310	

III. Which cases qualify for a Plea in Absentia?

You may enter a Plea in Absentia on motor vehicle offenses, and other offenses as determined by the Court. To determine whether a Plea in Absentia may be entered on the charges against you, please contact the Court at:

New Castle County	Kent County	Sussex County
(302) 255-0941	(302) 735-3900	(302)858-5700

IV. Do I have to plead guilty to all charges?

You can contact the Department of Justice at the information provided below to determine whether a "plea bargain" can be negotiated with the State. If a plea is negotiated, you will plead guilty to the charges negotiated with the State. If a plea cannot be negotiated, you must plead guilty to all of the charges in your case for your Plea in Absentia to be accepted by the Court.

New Castle County	Kent County	Sussex County
(302) 577-8500	(302) 739-4211	(302) 856-5353

V. How do I pay my fines?

Once your Plea in Absentia is accepted and entered by the Court, you will be required to pay the fines and costs imposed, either in full or by setting up a payment plan. Payments can be made online at courtpay.delaware.gov, or by telephone at the information provided below. To set up a payment plan, you must contact the Court at:

New Castle County	Kent County	Sussex County
(302) 255-0941	(302) 735-3930	(302) 858-5711

STEP-BY- STEP INSTRUCTIONS FOR FILING A PLEA IN ABSENTIA IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

Step 1: Contact the Clerk's Office in the county in which your case is pending and inform them that you wish to enter a Plea in Absentia in lieu of your required court appearance:

New Castle County

500 N. King St., Ste 1600 Wilmington, DE 19801 Phone: (302) 255-0941

CPNCC CriminalFilings@delaware.gov

Kent County

414 Federal St., Rm 135 Dover, DE 19901 Phone: (302) 735-3900

CCPKent CriminalFilings@delaware.gov

Sussex County

The Circle, Ste 1 Georgetown, DE 19947 Phone: (302)858-5700

CCPSussex_CriminalFilings@delaware.gov

- **Step 2:** If the Court approves your request to enter a Plea in Absentia, the Clerk's office will determine the anticipated amount due; this amount will include all fines, fees, and costs.
- Step 3: Once you receive approval from the Court to enter a Plea in Absentia, you must completely fill out the Plea in Absentia Form, which is provided at the end of this packet and can be accessed online at https://courts.delaware.gov/Forms/Download.aspx?id=23968.

You and your counsel (if applicable) must sign the Plea in Absentia Form. If you do not fully complete and sign the Plea in Absentia Form, your Plea in Absentia will not be processed.

- You must submit the completed and signed Plea in Absentia Form to the Court in the county in which your case is pending at the address provided below. The Court must receive your completed and signed Plea in Absentia Form no later than 48 hours before your scheduled court date. It is your responsibility to ensure that the Plea in Absentia Form has been submitted and processed by the Court before the date you are scheduled to appear. If the Court does not receive or does not approve the plea, you must appear in court on the scheduled date and time. Failure to do so will result in the issuance of a warrant for your arrest.
- **Step 5:** You must submit payment or enter a payment plan within **20 days** of the date your plea of guilty was entered by the Court.

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR ☐ NEW CASTLE COUNTY ☐ KENT COUNTY ☐ SUSSEX COUNTY

	STATE OF L	DELAWAR	E)	
	VS) Case No(s)	:
	D.C. 1. (2)	(DIE	GE DDDWE))	
	Defendant's 1	name (<i>PLEA</i>	ISE PRINT)) D.O.B.	
			PLEA IN	ABSENTIA FO	<u>ORM</u>
TO B	E COMPLETED BY DE	FENDANT	DEFENSE CO	OUNSEL:	
1.	Charge(s):				
2.	Age: Last grade	completed	ın school:		
3.	Present Employer:	•	Sa	lary:	
4.	Have you ever been a pa	itient in a m	ental hospital? _		_
5.	Are you under the influe				
6.					listed above?
7.					If not, do you desire to do so?
8.	been adequately represe	nted?	-	•	lequate time to confer with him/her and that you have
9.					t have a trial and you therefore waive (give up) your
	following constitutional	rights:	11.1.0		part of the charges against you beyond a reasonable
	(a) to be presumed doubt;	innocent unt	il the State can pr	ove each and every	part of the charges against you beyond a reasonable
	(b) to a speedy and	nublic trial y	with the assistance	e of a lawver	
	(c) to a trial by jury		, ion one designation	o	
	(d) to hear and ques		nesses against you	ι;	
	(e) to present evide				
	(f) to testify or not			and	
	(g) to appeal you co	nviction to a	a higher court?		
10.				ea of guilty before	e a Commissioner of the Court of Common Pleas and
1.1	the sentence thereon?				
11.	What is the total cons	ecutive max	amum penalty j	provided by law	for the charges to which you are pleading guilty?
12	Is there a mandatory min	imum nana	 ltv?	o what is it?	
12.	If you are on probation	do vou und	erstand that your	guilty plea will be	e a violation of probation?
					will be?
15	Has anyone threatened y	on or force	d vou to plead gr	iilty?	wiii 60:
16.	Is your plea the result of	`a "nlea har	gain" with the St	ate?	
		•	_		
with v	which I am charged, and I ommissioner of the Cour	understand	the consequences	s of this guilty plea	, that I fully understand the elements of each offense a, and hereby consent to the imposition of sentence by to be present in Court for my plea of guilty and for
Defend	lant Signature	Date	Defendant Ema	nil	Defendant Phone Number
	G 1.01	(Bar # _		 -	
	se Counsel Signature licable)		Date		
TO RE	COMPLETED BY DEPU	TY ATTORN	EY GENERAL:		
				town the SENTAC a	rantanaa ayidalinaa ana aa fallayya.
					sentence guidelines are as follows:
Lea	nd offense:		up to _	Time	at level
Sec	ondary offense:	Offense	up to _	1 tme	at level
Recom	nmended Sentence				
<u></u>	. A 44 a m au C 1 G'	(Bar # _)		
Deputy	y Attorney General Signatur	\$	Date		