

**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 must 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:**

<u>New Castle County</u> (302) 255-0130	<u>Kent County</u> (302) 739-4476	<u>Sussex County</u> (302) 856-5310
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**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:

<u>New Castle County</u> (302) 255-0941	<u>Kent County</u> (302) 735-3900	<u>Sussex County</u> (302)858-5700
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**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.

<u>New Castle County</u> (302) 577-8500	<u>Kent County</u> (302) 739-4211	<u>Sussex County</u> (302) 856-5353
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**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](http://courtpay.delaware.gov), or by telephone at the information provided below. To set up a payment plan, you must contact the Court at:

<u>New Castle County</u> (302) 255-0941	<u>Kent County</u> (302) 735-3930	<u>Sussex County</u> (302) 858-5711
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**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](mailto:CPNCC_CriminalFilings@delaware.gov)

**Kent County**  
414 Federal St., Rm 135  
Dover, DE 19901  
Phone: (302) 735-3900  
[CCPKent\\_CriminalFilings@delaware.gov](mailto:CCPKent_CriminalFilings@delaware.gov)

**Sussex County**  
The Circle, Ste 1  
Georgetown, DE 19947  
Phone: (302)858-5700  
[CCPSussex\\_CriminalFilings@delaware.gov](mailto: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.**

**Step 4:** 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.

