

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

v.

YOLANDA SANTIAGO

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Criminal ID: 1211004440

ORDER

This **3rd** day of **FEBRUARY, 2015**, upon consideration of Defendant's Motion to Dismiss and the State's Response, it is Ordered:

The Defendant's Motion is **DENIED**.

This is a very complex case involving 16 co-defendants. The delay in this case is not presumptively prejudicial to the Defendant. The Delaware Supreme Court has made it clear that there is no precise time period which uniformly triggers a speedy trial analysis, and a longer period of delay in bringing a defendant to speedy trial can be tolerated for serious, complex charges such as murder in the first degree and multiple conspiracies. *Skinner v. State*, 575 A.2d 1108, 1116 (Del. 1990). Defendant has asserted no specific facts¹ which would show actual

¹ Counsel refers several times in her motion to a typo listing a response date of October 22, 2015. It appears from the docket that the information sought was turned over pursuant to a letter dated October 22, 2014 after Counsel communicated with the State that she would oppose a two week continuation.

prejudice. *See Barker v. Wingo*, 407 U.S. 514, 530 (1972) (The Supreme Court has identified three types of prejudice that the right to a speedy trial seeks to prevent: (1) oppressive pre-trial incarceration; (2) anxiety stemming from being publicly accused of a crime; and (3) the possibility that the accused's defense will be impaired due to the death or disappearance of witnesses or the loss of memory with the passage of time.). Further, Defendant has asserted no harm to the presentation of her defense. *See Id.* (Of the three types of prejudice considered, "the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system." *See Bailey v. State*, 521 A.2d 1069, 1083 (Del. 1987). Therefore, the Motion is **DENIED**.

IT IS SO ORDERED

/S/Calvin L. Scott
The Honorable Calvin L. Scott

Original: Prothonotary
cc: Ipek Medford, DAG
John Downs, DAG
Periann Doko, DAG
Dana L. Reynolds, Esq.