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

E.L. ECKRICH)
A a II a 4)
Appellant,)
v.) C. A. No.: CPU4-13-001073
)
CITY OF WILMINGTON, and)
WILMINGTON POLICE)
OFFICER MARTINEZ,)
)
Appellee.)
	ODDED

ORDER

The Court of Common Pleas does not have subject matter jurisdiction of this matter because the fines imposed by the Justice of the Peace Court are less than \$100.

The provisions regarding civil traffic offenses set forth in Chapter 8 of the Motor Vehicle Code apply to "civil penalties created pursuant to § § 4101(d) and 4802 of this title and other civil penalties provided for in this title." 21 *Del. C.* § 801. Section 811 states "[a]ny appeals of civil penalties assessed under this chapter shall be taken in the same manner as provided in § 708 of this title." Sections 708(b) provides, in relevant part:

[A]ny person convicted under this title shall have the right of an appeal to the Court of Common Pleas only in those cases in which the sentence imposed was imprisonment, or a fine exceeding \$100, upon giving bond with surety satisfactory to the alderman, justice of the peace or a judge before whom such person was convicted, such appeal

to be taken and bond given with 15 days from the time of conviction.

Appellant was charged with two offenses. Each offense resulted in a \$75.00 fine imposed by the Justice of the Peace Court. Thus, this Court lacks subject matter jurisdiction under 21 *Del. C.* § § 811 and 708.

NOW, THEREFORE, IT IS ORDERED this 9th day of April, 2013, that the referenced appeal is **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION.**

Andrea L. Rocanelli

The Honorable Andrea L. Rocanelli