



On February 15, 2006, defendant, Alexander Quiles (“Quiles”) filed a motion to resolve a detainer arising from charges of Possession with Intent to Deliver a Narcotic Schedule II Controlled Substance in Delaware. Quiles is presently incarcerated in Pennsylvania. Quiles’ Motion is DENIED because he has failed to comply with the formalities demanded by 11 *Del. C.* §2542.

Title 11, chapter 25, the Uniform Agreement on Detainers (“UAD”), was specifically enacted to streamline and standardize the process by which prisoners are made available for trial in states other than where they are imprisoned.<sup>1</sup> 11 *Del. C.* §2542(a) provides that:

Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state ... [and] during the continuance of the term of imprisonment there is pending ... any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, the prisoner shall be brought to trial within 180 days after the prisoner shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer’s jurisdiction written notice of the place of imprisonment and the request for a final disposition....

The formalities of the statute require:

The written notice and request for final disposition referred to in subsection (a) of this section shall be given or sent by the prisoner to the Commissioner of Correction or other official having custody of the prisoner who shall promptly forward it ... to the prosecuting official ... by registered or certified mail, return receipt requested.<sup>2</sup>

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<sup>1</sup> 11 *Del. C.* §2542.

<sup>2</sup> *Id.* at §2542(b).

Quiles' motion, addressed as it was to the "Judges of the Court of Common Pleas" does not comply with UAD paragraph (b) which directs that a request for final disposition of charges be sent by a prisoner to the official having custody of him. Prisoners are expected to comply with the formalities demanded by the statute.<sup>3</sup> This is so because processing through channels of a request for final disposition is essential to a reasonable administration of the law.<sup>4</sup> Thus, the official having custody is obliged to send with the request the pertinent data as to the term of commitment, the time remaining to be served, and decisions of the parole agency relating to the prisoner.<sup>5</sup> Such information may be of value to the State which lodged the detainer in determining whether or not it still wants the prisoner returned for prosecution.<sup>6</sup> Since Quiles has not asked the prison official who has custody over him to prepare and send the forms to the jurisdiction from which a detainer is lodged against him, his motion is DENIED for failure to comply with the formalities demanded by the statute.

**IT IS SO ORDERED.**

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Judge Calvin L. Scott, Jr.

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<sup>3</sup> *Beebe v. State*, 346 A.2d 169, 171 (Del. 1975).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*