



STATE OF DELAWARE  
THE COURTS OF THE JUSTICES OF THE PEACE  
820 NORTH FRENCH STREET, 11TH FLOOR  
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON  
CHIEF MAGISTRATE

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POLICY DIRECTIVE 82-055

TO: ALL JUSTICES OF THE PEACE  
STATE OF DELAWARE

FROM: NORMAN A. BARRON  
CHIEF MAGISTRATE

DATE: MARCH 24, 1982

RE: SUSPENSION OF VOLUNTARY ASSESSMENT PAYMENTS

Hypothetical

John Doe is given a summons for running a stop sign in violation of 21 Del.C., §4164(a). He signs a voluntary assessment agreement, under which he agrees to pay a total fine in the amount of \$19.50. Within the required period as set forth in 21 Del.C., §709, Mr. Doe remits \$19 to the applicable Justice of the Peace Court.

Should the Court:

(a) Keep the \$19 and suspend the remaining .50 which is due and owing;

(b) Return the check to Mr. Doe and demand payment of the full \$19.50 to be paid within ten days (excluding Saturday and Sunday) from the date of the Court's letter;

(c) Keep the \$19 as a partial payment and demand payment of the .50 to be paid within ten days (excluding Saturday and Sunday) from the date of the Court's letter; or

(d) Keep the \$19 and contribute the remaining .50 enabling you to close out the case.

Under the hypothetical set forth above, each of the four options has, upon occasion, been opted for by various Justices of the Peace. In order to establish uniformity, I request that option (b) be followed. I believe that this second option is the proper one because:

First, there is nothing contained in 21 Del.C., §709 which suggests that Justices of the Peace have the authority to suspend fines levied pursuant to said statute; and

Second, in a very real sense, the Justice of the Peace Courts do not have jurisdiction over a \$709 defendant unless and until he withdraws his acceptance of a voluntary assessment agreement and demands trial or otherwise appears in connection with the case and submits himself to the Court's jurisdiction.

The policy established herein is effective upon receipt.

NAB:pn

cc: The Honorable Daniel L. Herrmann  
John R. Fisher  
Arthur R. Carello  
Files