

**IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
ADMINISTRATIVE DIRECTIVE**

**NO. 2020-1**

**GOVERNING THE MANAGEMENT OF CASES ALLEGING VIOLATION  
OF 21 DEL. C. § 4177 AND RELATED OFFENSES**

This 7<sup>th</sup> day of January 2020, pursuant to 10 *Del. C.* § 1302(d), the authority being vested in the Chief Judge as the administrative head of the Court during the term of his or her appointment, and it appears that:

WHEREAS, the number of cases alleging violations of 21 *Del. C.* § 4177 filed in the Court of Common Pleas have increased substantially in the past several years;

WHEREAS, cases involving alleged violations of 21 *Del. C.* § 4177 often present complicated evidentiary matters that require additional time and resources;

WHEREAS, a case review process facilitates the orderly and efficient administration of cases involving alleged violations of 21 *Del. C.* § 4177;

WHEREAS, a case review process also allows the parties to discuss alternatives to a trial as well as any outstanding issues before a scheduled trial date;

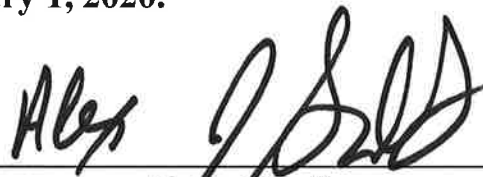
WHEREAS, counsel for defendants frequently represent clients in each of Delaware's three counties; and

WHEREAS, for cases involving alleged violations of 21 *Del. C.* § 4177, a uniform case review procedure will facilitate a fair and effective process;

NOW, THEREFORE, IT IS DIRECTED:

1. A Case Review is required in all cases alleging a violation of 21 *Del. C.* § 4177 filed in the Court of Common Pleas; and
2. At the Case Review, the Driving Under the Influence Case Review Form shall be completed and submitted to the Court, and the Driving Under the Influence Case Review Order shall be entered by the Court (attached herewith as Exhibit A).

**This Directive is effective February 1, 2020.**



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Alex J. Smalls,  
Chief Judge

cc: Chief Justice Collins J. Seitz, Jr.  
President Judge Jan R. Jurden  
Judge John K. Welch  
Judge Rosemary Betts Beauregard  
Judge Kenneth S. Clark, Jr.  
Judge Robert H. Surles  
Judge Carl C. Danberg  
Judge Bradley V. Manning  
Commissioner Mary McDonough  
Commissioner Donald R. Bucklin  
Stephanie Fitzgerald, Court Administrator  
Tamara Burton, Deputy Court Administrator  
Carol Lemieux, Judicial Case Management Administrator  
Julie Brooks, Judicial Operations Manager  
Jennifer Shaffer, Judicial Operations Manager  
Whitney L. Frame, Staff Attorney

# **EXHIBIT A**

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

STATE OF DELAWARE

v.

)  
)  
)  
)  
Case Nos.: \_\_\_\_\_  
Date Of Arrest: \_\_\_\_\_  
Date Information Filed: \_\_\_\_\_

**DRIVING UNDER THE INFLUENCE CASE REVIEW FORM**

The undersigned counsel and/or *pro se*\* party declare and affirm that the below is a full and accurate representation of the status of the above-captioned case.

DAG: \_\_\_\_\_ Defense Attorney/*Pro Se* Defendant: \_\_\_\_\_

**I. GENERAL**

- Defendant/counsel for Defendant did not appear for the Case Review; as such, Case Review is deemed waived.
- A continuance has been requested by \_\_\_\_\_ reason: \_\_\_\_\_ next Case Review date: \_\_\_\_\_
- A Courtroom Audio Visual Cart ("Elmo Cart") is requested for use during trial by \_\_\_\_\_

**II. DISCOVERY\*\***

- Discovery is complete
  - Discovery is not complete; the following items are outstanding:  
\_\_\_\_\_ requested by \_\_\_\_\_ on \_\_\_\_\_
- Objection to discovery request (if any) and basis for objection: \_\_\_\_\_

**III. WITNESSES**

- Appearance of the State Chemist is requested by:  State  Defense
- Appearance of the Medical Examiner is requested by:  State  Defense
- The need for the appearance of the State Chemist and/or Medical Examiner cannot be determined due to outstanding, incomplete, or untimely Discovery specified in Section I
- Appearance of the Forensic Toxicologist, Forensic Chemist, State Police Forensic Analytical Chemist, or other witness necessary to establish the chain of custody has been requested by  State  Defense pursuant to 21 Del. C. § 4177(h)(4)

**IV. PLEA OFFER**

- A plea offer has been extended and will be left open until \_\_\_\_\_
- \_\_\_\_\_ Counsel has communicated to the defendant a formal plea offer from the State that has been rejected  
(Defendant **MUST** initial here)

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**DRIVING UNDER THE INFLUENCE SCHEDULING ORDER**

WHEREAS, this Order is intended to facilitate the orderly and efficient disposition of DUI cases, and shall be interpreted in accordance with applicable Rules of Criminal Procedure and the Delaware Uniform Rules of Evidence;

WHEREAS, this Order and the deadlines set forth herein shall not be altered, except by Motion and for good cause shown;

WHEREAS, if a party fails to comply with the discovery deadline set forth in this Order, the requesting party shall have the right to present, before or on the date of trial, a Motion to Exclude, Compel, or any other Motion appropriate under *CCP Crim. R. 16(d)*.

IT IS HEREBY ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as follows:

Trial date: \_\_\_\_\_ Deadline to submit Witness List: \_\_\_\_\_

Discovery Deadline: \_\_\_\_\_ Deadline to file Motions: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner

\* Where a *pro se* party retains counsel subsequent to Case Review, such counsel shall be granted leave to request discovery and/or the appearance of any party.  
\*\* This Section is an account of the status of discovery and does not constitute a waiver of any requirements imposed or rights available under *CCP Criminal Rule 16*, including the parties' continuing duty to disclose under subsection (c).