JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
COURT NO. 13

EAST COAST LONGVIEW APARTMENTS LLC	§	
Plaintiff Below,	§	
Appellee	§	
	§	
VS	§	C.A. No. JP13-18-006877
	§	
	§	
CHRISTOPHER MARIENO	§	
Defendant Below,	§	
Appellant		

TRIAL DE NOVO

Submitted: August 30, 2018
Decided: September 5, 2018

APPEARANCES:
East Coast Longview Apartments LLC, Plaintiff appeared through Form 50 Agent Leslie Vlahos
Christopher Marieno, Defendant appeared pro se

Sean P. McCormick, Deputy Chief Magistrate.
James R. Hanby, Sr., Justice of the Peace.
Gerald Ross III, Justice of the Peace.

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
COURT NO. 13

CIVIL ACTION NO: JP13-18-006877

MORGAN PROPERTIES VS CHRISTOPHER MARIENO

ORDER ON TRIAL DE NOVO

A three judge panel consisting of Hon. Sean McCormick, Hon. Gerald Ross, and the Hon. James R. Hanby, Sr. was convened to hear an appeal of a landlord tenant case decided by Hon. Emily A Ferrell, which was heard August 10, 2018 and the judgment was issued August 16, 2018.

The plaintiff was represented by form 50 agent Leslie Vlahos and the defendant representing himself.

Ms. Vlahos presented the required documentation to support the plaintiff's case for possession and past due rent. This included copies of the lease, 5-day late letter, and the defendant's ledger. She also provided a copy of a letter about a noise complaint received against the defendant.

Mr. Marieno, testified that he agreed that he owed rent but refused to accept any responsibility for why the payment wasn't taken out of his USAA account which he believed was set up online when he was in the office prior to moving into the unit. Mr. Marieno repeatedly stated he wanted to leave the unit.

Mr. Marieno presented a letter from his doctor at the Elsmere VA Hospital which stated that he suffered from chronic PTSD and that it was in his best interest that he relocate elsewhere. From the testimony of the defendant it was apparent to the panel that this was in fact the case with regards to the defendant's PTSD status.

Mr. Marieno also provided the panel with testimony indicating various issues with the unit including flaking paint in the bath tub and a sink overflow. The panel took Mr. Marieno's testimony as an unspecified claim for rent abatement. However, defendant acknowledged that he did not bring these issues to the attention of the landlord prior to the trial before Judge Ferrell.

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Based on the foregoing the panel enters judgment for the plaintiff as follows, rent for three months at $1,025.00, late fee of 5% for three months of $153.75, and a trash fee for three months of $15.00. Which is a total judgment of $3243.75 plus $43.75 court costs, per diem of $33.69 starting September 1, 2018, possession of the unit and 7.5% post judgment interest per annum.

IT IS SO ORDERED 06th day of September, 2018

(SEAL)
(for) SEAN P. MCCORMICK
Deputy Chief Magistrate

(SEAL)
JAMES R. HANBY, SR
Justice of the Peace

(SEAL)
(for) GERALD ROSS III
Justice of the Peace

Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).

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