

system necessarily strained by a burgeoning case load.”² The Court notes that the Delaware Supreme Court’s March 13, 2020, Order Declaring a Judicial Emergency, and subsequent extensions of that Order, have resulted in suspensions and delays of grand jury proceedings. The Court further notes that Defendant is not incarcerated.³

WHEREFORE, Defendant’s Motion is **DENIED**.

IT IS SO ORDERED.



Judge Noel Eason Primos

NEP/wjs

Via Email

oc: Prothonotary

Gregory R. Babowal, Esquire

Cara M. B. MacDonald, Esquire

² *State v. McElroy*, 561 A.2d 154, 155-56 (Del. 1989) (citations omitted).

³ *See, e.g., State v. Watson*, 2021 WL 303032, at *3 (Del. Super. Jan. 28, 2021) (defendant’s motion to dismiss pursuant to Rule 48(b) denied where defendant had failed to show how he had been prejudiced or that the delay had resulted from any improper action of the State rather than from the COVID-19 pandemic); *State v. Simmons*, 2020 WL 5588813, at *1 (Del. Super. Sept. 18, 2020) (Rule 48(b) motion denied because defendant unable to show that delays in indictment resulting from pandemic were attributable to State).