



Chief Magistrate Alan G. Davis

# JUSTICE OF THE PEACE COURT

This past fiscal year was a time of transition for the Justice of the Peace Court. During this period, Chief Magistrate Patricia W. Griffin became the State Court Administrator for the Judiciary. In her absence, Deputy Chief Magistrate (New Castle County) Bonita N. Lee served as Acting Chief Magistrate from February 2005 through the end of the fiscal year and until July 12, 2005, when I was sworn in as the current Chief Magistrate. Thanks to the excellent leadership and administrative skills of both Judge Griffin and Judge Lee, and the support of judges and staff statewide, the Justice of the Peace Court continued to fulfill its mission of providing efficient, accessible, and affordable service to the people of Delaware.

We offer below highlights of the fiscal year July 1, 2004 to June 30, 2005.

## **COURT FACILITY IMPROVEMENTS**

Court 1 relocated to a new facility in January 2005, upon completion of renovations converting a former bank building, owned by the Town of Frankford, into a court site. This new building is larger than the previous location, and is more suitable for court proceedings. Additionally, it is more centrally located than the previous site.

## **ADDITIONAL JUDGES**

Two new judicial positions during FY 2005 provided welcome relief to overburdened Sussex County JP Court locations. These positions were necessary to accommodate substantial caseload increases related to population growth and enhanced police staffing.

## **CAPIAS REDUCTION PILOT PROJECT**

The Court initiated a pilot project to reduce the number of outstanding capiases for failure to appear and failure to pay fines. This is a cooperative effort among judges, support staff, OSCCE, and the Attorney General's Office. This project seeks to collect overdue restitution for victims and fines and costs owed to the state and municipalities, in addition to its providing an excellent opportunity for auditing wanted status cases in conjunction with DELJIS information management requirements.

## **SPECIAL COURT PROCEEDINGS**

Truancy Court: Our statewide Truancy Court celebrated its ninth year of a successful, nationally recognized cooperative effort with schools and health and social service agencies to reduce truancy. This special court continues to effectively address truancy by meshing in-

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tensive court monitoring with community health and social service support. This approach encourages parent and student accountability and improved family functioning, leading to more consistent school attendance, improved academic achievement, and a reduction in juvenile delinquency.

**Arraignments for Spanish-Speaking Defendants:** Court 3 in Sussex County, Court 7 in Kent County, and Court 10 in New Castle County have special arraignment calendars for Spanish-speaking defendants, for whom the Court provides certified interpreters. This year, Court 11 in New Castle County joined in this effort, to better serve the increasing Latino population.

**New Castle County Code Violations:** As residential and commercial populations increased in New Castle County, so did the caseload for violations of the New Castle County Code. In the interest of efficient handling of this caseload, the Court officially designated Court 11 to accommodate initial appearances and trials on these charges. New Castle County attorneys prosecute these cases.

**City of Wilmington Licensing and Inspections Court:** In its fourth year of operation, the L & I Court at Court 20 in Wilmington, continued to accommodate the City's needs for swift resolution of licensing and inspections violations charges. Attorneys from the City Solicitor's office prosecute these cases.

**Red Light Camera Violation Courts:** As jurisdictions in the State moved to electronic (camera) policing of traffic-accident prone intersections, the Court responded by establishing special court calendars for these cases. Special proceedings are now held in Sussex at Court 4; in Kent at Court 7, and in New Castle at Court 13 (for City of Wilmington violations) and Court 15 for violations within the County outside the City of Wilmington.

**AG/PD Project at Court 20:** This project, which makes available prosecutors and public defenders at Court 20, marked its fourth year. By having both the Attorney General's office and Public Defender's office participating in this project, cases can generally be initiated and resolved without transfer to Court of Common Pleas. An added benefit is that victims can access support services earlier in the proceedings than if the cases were transferred to Court of Common Pleas.

**Statewide Videophone Court:** The Statewide Videophone Court continued to serve police agencies and the Department of Correction by providing "fast lane" access to a judge in a non-trial court setting for warrant applications, presentments on new charges, *capias* returns, and bail hearings. Based at JP Court 2 in Rehoboth, this Court was officially established in January 2002, for the purpose of reducing delays in presentments of defendants and obviating the necessity of transport of arrestees from police stations to the Court. Police departments with videophones in their buildings present the defendants to Court 2 via videophone. Court 2 provides this service to police agencies statewide and the Department of Correction, Monday through Friday, from 8 a.m. to 11:30 p.m. Other JP Court locations with videophone equipment supplement Court 2 when Court 2 receives an excessive volume of business and on holidays and other times when Court 2 is closed.



**Legal Authorization**

The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

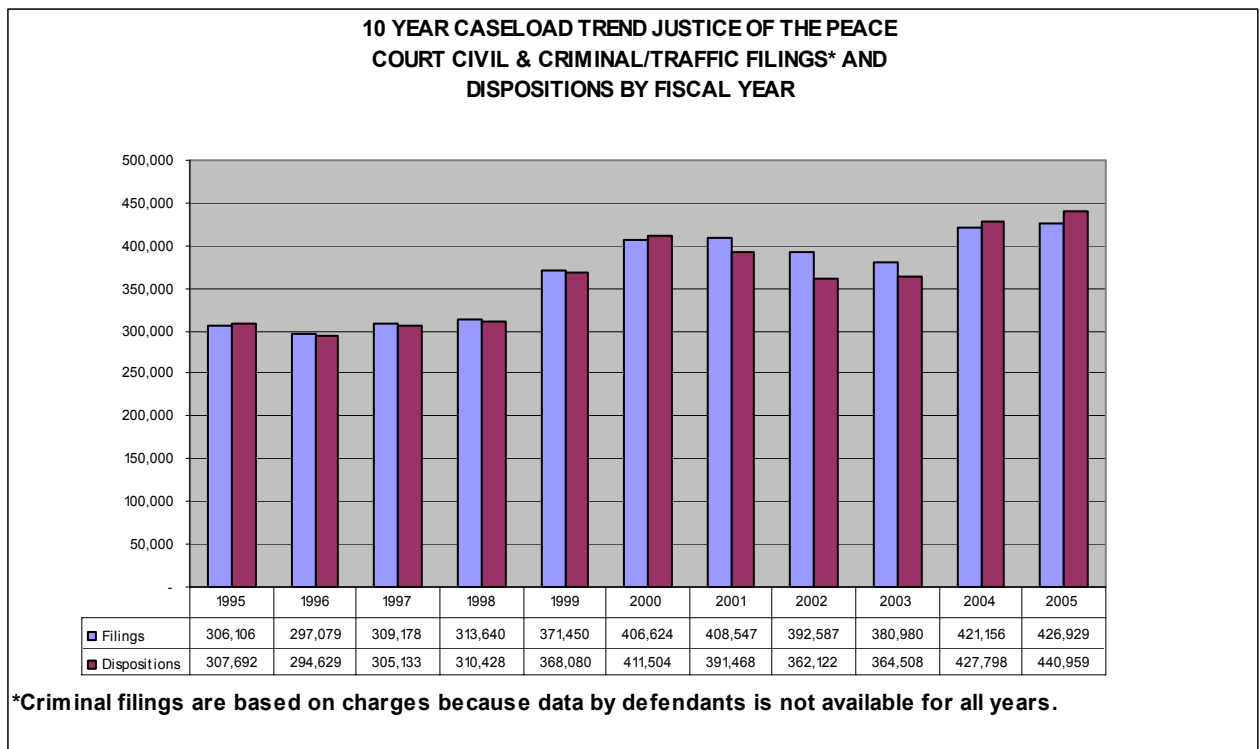
**Court History**

As early as the 1600's, justices of the peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17<sup>th</sup> and 18<sup>th</sup> centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees accessed and collected for the performance of

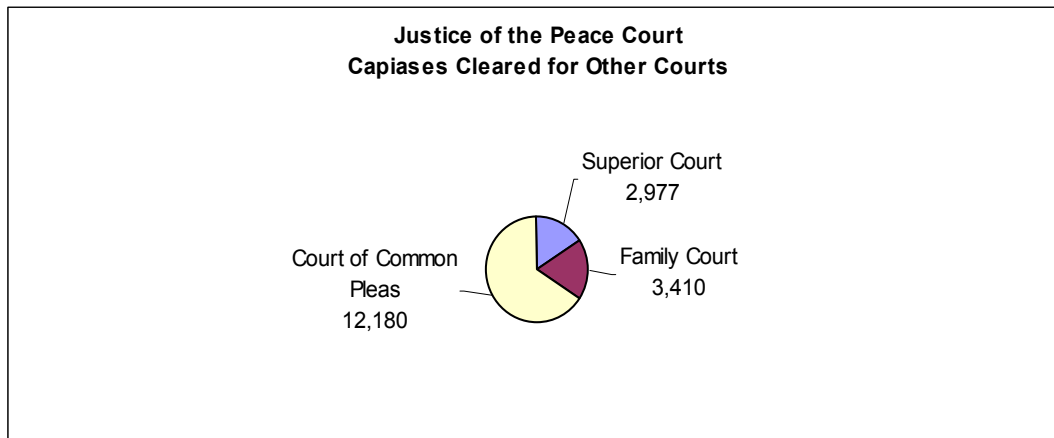
their legal duties. In 1966 the individual justices of the peace were absorbed into the state Judicial system, and the first Chief Magistrate was installed in 1980 as the administrative head of the Court.

**Legal Jurisdiction**

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals (other than in summary possession cases, which are appeals to a three judge panel in the Justice of the Peace Court) may be taken to the Court of Common Pleas. The subject matter jurisdiction of the Justice of the Peace Court is shared with the Court of Common Pleas, except that the Justice of the Peace Court has sole jurisdiction over summary possession actions.



## JUSTICE OF THE PEACE COURT



### Geographic Organization

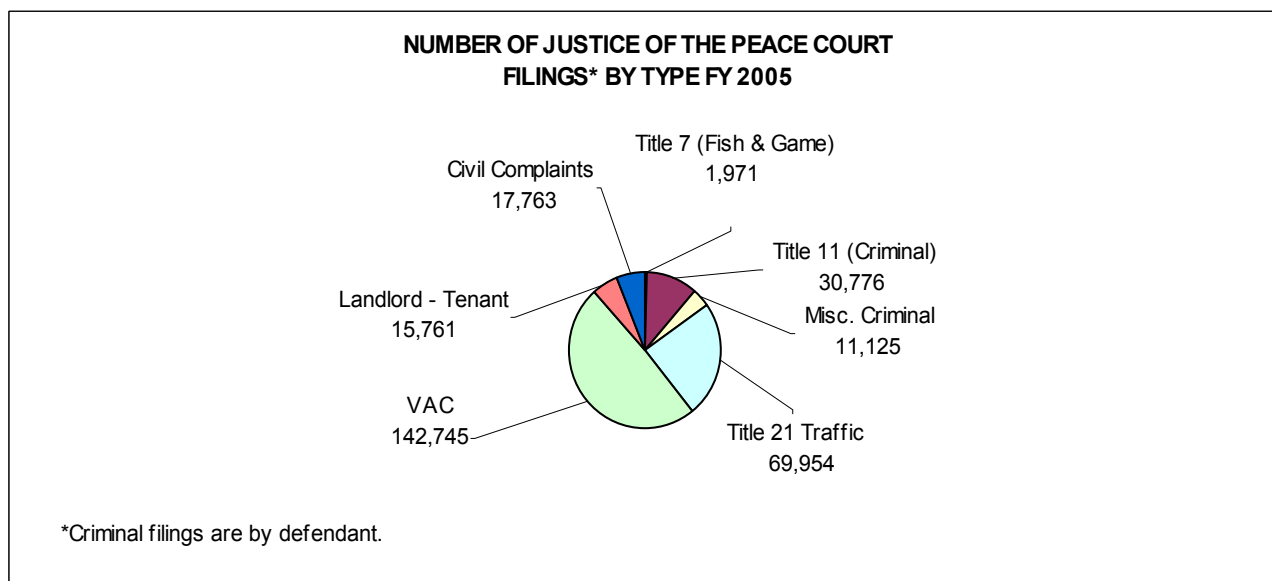
The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 18 courts currently operating, seven are in New Castle County, four are in Kent County, and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

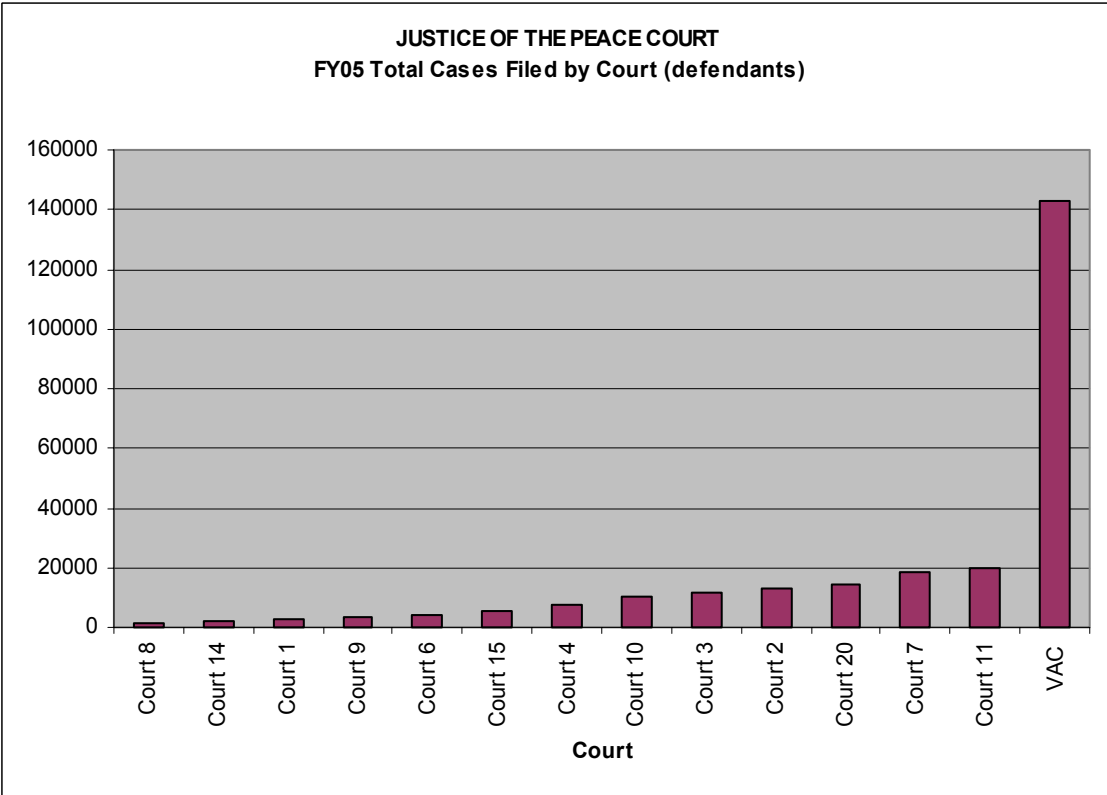
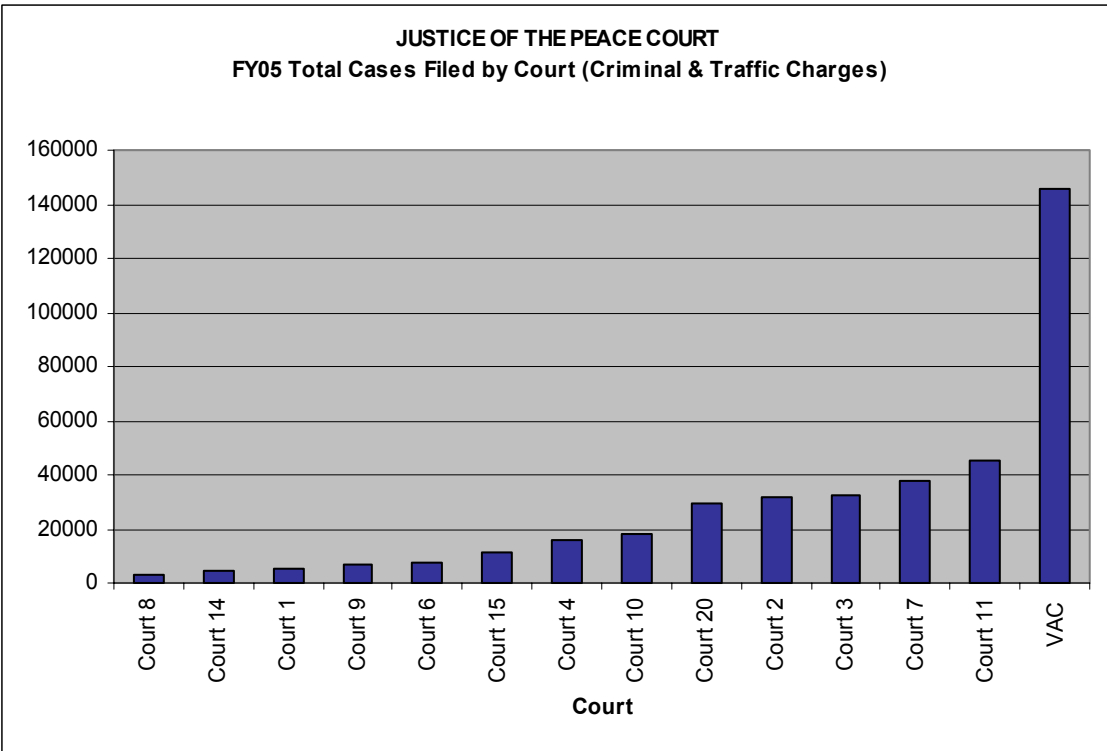
### Support Personnel

A court administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The Court also employs clerks, constables, and other support personnel.

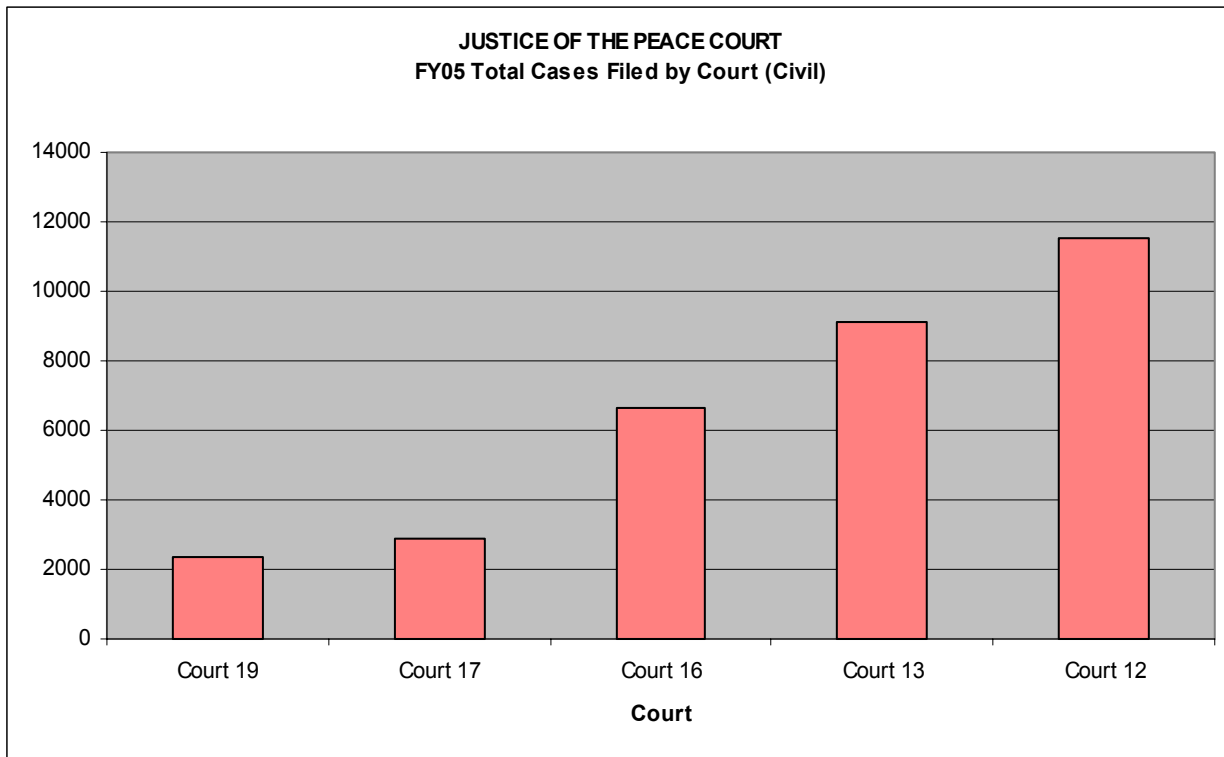
### Justices of the Peace

The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice of the peace must be at least 21 years of age and a resident of the State of Delaware and the county in which the justice of the peace serves. In addition to the 60 justices of the peace, the Governor nominates a chief magistrate, subject to Senate confirmation.





## JUSTICE OF THE PEACE COURT



### JUSTICE OF THE PEACE COURT, KENT COUNTY

**Seated, left to right:** Robert B. Wall Jr., Agnes E. Pennella, and D. Ken Cox.

**Standing, left to right:** Cathleen Hutchison, James A. Murray, and Pamela A. Darling.

**Not pictured:** Charles M. Stump, Deputy Chief Magistrate, Ernst M. Arndt, Acting Deputy Chief Magistrate, Ellis B. Parrott, Fred W. Dewey Jr., Fred Lord, and Debora Foor.



**JUSTICE OF THE PEACE COURT, NEW CASTLE COUNTY**

**Seated left to right:** Kathleen Lucas, Cheryl Stallmann, Wayne Hanby, Katharine Ross, William Moser, Sean McCormick, Marie Page, Roberto Lopez, Roger Barton, and Vernon Taylor

**Standing left to right:** Terry Smith, Sidney Clark, David Skelley, Thomas Brown, Marilyn Letts, Paul Smith, Susan Cline, James Tull, Robert Armstrong, Deputy Chief Magistrate Bonita Lee, Stanley Petraschuk, Rosalind Toulson

**Not pictured:** Donald Callender, Jr., Laurence Fitchett, Jr., Linda Gray, Thomas Kenney, Deborah McNesby, Nancy Roberts, and Rosalie Rutkowski.



**JUSTICE OF THE PEACE COURT, SUSSEX COUNTY**

**Seated from left to right:** Jeni Coffelt, Marcealeate Ruffin, John Hudson, Deputy Chief Magistrate Sheila Blakely, Jana Mollohan, William Mulvaney, III, Edward G. Davis, John McKenzie, and Christopher Bradley (*joined the Court July 12, 2005*)

**Standing from left to right:** Richard Comly, Jr., John C. Martin, John O'Bier, Chief Magistrate Alan Davis, William P. Wood, Larry R. Sipple, James Horn, Herman Hagan, and William Boddy III

**Not pictured:** William Hopkins, Jr., Joseph B. Melson, Jr., and Walter Godwin (retired).,