

REVISED ADMINISTRATIVE DIRECTIVE NO. 118

This 25th day of January 2000,

IT APPEARS THAT:

(1) There is a need to establish a committee to study the standards that presently govern the administration of criminal justice as they relate to the speedy disposition of criminal cases.

(2) In particular, the Committee should examine the effectiveness of Administrative Directive Number Eighty-Two, issued May 16, 1990, that promulgated certain speedy trial guidelines for the Superior Court, the Court of Common Pleas and the Family Court.

(3) The Committee should examine the effectiveness of Administrative Directive Number Eighty-Eight, issued February 5, 1992, that governs the disposition of capital murder cases in the Superior Court and the Supreme Court.

(4) In its review of the disposition of criminal cases in the various courts, the Committee should consider all factors that affect the progress of criminal cases from arrest to trial and sentencing, including the following:

(a) To what extent are the present standards as promulgated in Administrative Directives Eighty-Two and Eighty-Eight realistic in terms of performance requirements?

(b) If the present standards are unrealistic in their expectations, what changes to the standards should be made to assist the courts in meeting them?

(c) An examination of the interplay, and the extent of coordination, among the various constituencies of the criminal justice system (i.e., the police, the prosecution, the defense, and corrections).

(d) If additional logistical or personnel resources are required, to what courts or areas of service should they be directed?

(e) Identify any inefficient practices or procedures that may contribute to delay and recommend measures to remedy them.

(f) Secure comments and recommendations from the other constituencies of the criminal justice system, including the police, prosecution, defense bar, and corrections.

(g) Study and evaluate speedy trial standards and best practices of delay reduction in use in other jurisdictions for possible application to Delaware.

(h) Evaluate the effect, if any, of court rules and statutory law on the speedy disposition of criminal cases and, if advisable, recommend appropriate modifications or amendments thereto.

DELAWARE SUPREME COURT

(i) Consider including Justice of the Peace Courts.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Delaware Constitution, art. IV, § 13(a), as follows:

(A) The Committee on Speedy Trial Guidelines is hereby established.

(B) The Committee shall consist of the following:

Justice Joseph T. Walsh, Supreme Court
Judge Norman A. Barron, Superior Court
Judge William C. Carpenter, Superior Court
Judge Jay Paul James, Court of Common Pleas
Judge Peggy Ableman, Family Court
Judge Bonita Lee, Deputy Chief Magistrate, NCC

(C) Justice Walsh will act as Chair of the Committee. The Administrative Office of the Courts shall provide logistical and administrative support to the Committee.

(D) This Committee is authorized and directed to carry out the above-mentioned duties in a timely fashion.

(E) All members of the Judiciary, and all non-judicial employees of the Delaware court system, are requested to cooperate with the Committee in supplying information and to support to its efforts.

(F) The Committee shall render its Preliminary Report and recommendations by July 1, 2000, and its Final Report by September 1, 2000.

E. Norman Veasey
CHIEF JUSTICE

cc: The Honorable Thomas R. Carper
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Maurice A. Hartnett, III
The Honorable Carolyn Berger

Members of the Judicial Conference
Mr. Lawrence P. Webster
Court Administrators
Clerk of the Supreme Court
The Honorable Bonita Lee