

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**

**MEMORANDUM REGARDING JURY TRIAL PROCEEDINGS IN THE  
COURT OF COMMON PLEAS IN NEW CASTLE COUNTY**

The Court is committed to its objective of ensuring the expeditious disposition of criminal cases while protecting the health and safety of litigants, practitioners, witnesses, jurors, court staff, and the public. In addition to the protocols set forth in the Delaware Supreme Court's Administrative Directives, the Court of Common Pleas in New Castle County will implement the following procedures and protective measures for all jury trial proceedings.

**I. SCHEDULING OF PROCEEDINGS**

When a case is scheduled for Jury Trial, it will also be scheduled to a Final Jury Trial Case Review calendar and a Final Pretrial Teleconference, which will take place in the week before trial. All Jury Trials will be noticed for 8:30 a.m.

**A. Jury Trials in August and September 2021.** Jury Trials will be scheduled on Wednesdays, with the Final Jury Trial Case Review occurring the Thursday before trial, and the Final Pretrial Teleconference occurring the Monday before trial.

**B. Jury Trials in October 2021.** Jury Trials will be scheduled on Wednesdays and Thursdays.

- a. Wednesday Jury Trials. Cases scheduled for Jury Trial on Wednesday will be scheduled for Final Jury Trial Case Review the Thursday before trial, with the Final Pretrial Teleconference occurring the Monday before trial.
- b. Thursday Jury Trials. Cases scheduled for Jury Trial on Thursday will be scheduled for Final Jury Trial Case Review the Friday before trial, with the Final Pretrial Teleconference occurring the Monday before trial.

**C. Witness Hotline.** The Witness Hotline is a pre-recorded message, updated every Tuesday, which identifies the cases proceeding to trial that week. Witnesses can call the Witness Hotline using the information below.

Witness Hotline: (302) 255-0900, ext. 8

**D. Calendar Size.** Jury Trial, Final Jury Trial Case Review, and Final Pretrial Teleconference calendars shall not exceed 40 cases per calendar.

## II. JURY TRIAL PROCEEDINGS

**A. Final Jury Trial Case Review.** The purpose of the Final Jury Trial Case Review is to identify and prioritize cases which are truly ready to proceed to trial.

a. Method of Appearance. Final Jury Trial Case Reviews will be conducted via Zoom. The Zoom meeting information is as follows:

<https://zoom.us/j/5307851236>

Meeting ID: 530 785 1236

Password: 123456

b. Required Attendants. The State, defense counsel (if applicable), and the defendant are all required to appear by video for the Final Jury Trial Case Review. Witness attendance is not necessary.

c. Procedure. The judge shall categorize each case as: (1) Deficient; (2) Not Trial Ready, or; (3) Trial Ready.

(1) *Deficient.* Cases with outstanding legal or discovery issues will be rescheduled from the Final Jury Trial Case Review. Deficient cases will not receive priority consideration upon rescheduling.

(2) *Not Trial Ready.* Cases in which counsel has been unable to contact the defendant, victims, or witnesses, but no legal or discovery issues remain outstanding, will be designated as Not Trial Ready.

(i) If counsel was unable to contact the defendant and the defendant fails to appear at the Final Jury Trial Case Review, a *capias* will issue and the case will be removed from the Jury Trial calendar.

(ii) If the State was unable to contact a victim or witness, the case will be designated as Not Trial Ready, but will remain on the Jury Trial Calendar for purposes of considering a motion pursuant to *CCP Crim. R. 48(b)*.

(iii) Not Trial Ready cases will not receive priority consideration if rescheduled.

(3) *Trial Ready.* Cases in which there are no outstanding issues and the parties are prepared to proceed will be designated as Trial Ready, and shall be prioritized by the Judge.

(i) No more than ten Trial Ready cases shall remain on the Jury Trial calendar; any lower-priority Trial Ready cases shall be rescheduled for a later Jury Trial date and corresponding Final Jury Trial Case Review date. Rescheduled Trial Ready Cases shall be given priority for trial on the rescheduled date.

**B. Final Pretrial Teleconference.** Cases designated as Trial Ready will proceed to a Final Pretrial Teleconference the following Monday.

a. Method of Appearance. The Final Pretrial Teleconference will be conducted via telephone. The teleconference information is as follows:

Teleconference Call-in: 877-366-0711

Participant Passcode: 82059846#

b. Required Attendants. The State and counsel of record, or the defendant if not represented by counsel, are required to attend by telephone. Witnesses and represented defendants are not required to attend.

c. Procedure. The Final Pretrial Teleconference will be held on the record and will serve as a last opportunity for the parties to state whether a plea was reached.

(i) If the parties indicate that no plea was reached, it is the Court's expectation that the case will proceed to trial.

(ii) If no plea is reached, the Court expects the parties to be prepared to discuss specific voir dire questions during the teleconference.

(iii) The Court reserves the right to reject any pleas offered on the day of trial.

**C. Jury Trial.** On the day of trial, the Trial Ready cases will proceed after the Not Trial Ready proceedings have concluded.

a. Method of Appearance. All Jury Trials will be held in-person. Counsel, the defendant, and witnesses must appear in-person at the courthouse.

(i) Counsel shall be responsible for notifying the defendant, victims, and witnesses of the report time, which may be later than the 8:30 a.m. report time set forth in the notice.

b. Procedure. Trial Ready cases will proceed in order of priority. Witnesses for the first two Trial Ready cases must be present in the courthouse for first call at 8:30 a.m. Witnesses for all other Trial Ready cases are on-call and must report to the courthouse within one hour if called.

(i) Any Trial Ready cases that do not proceed to trial will be rescheduled for a later Jury Trial date and corresponding Final Jury Trial Case Review date and will be given priority for trial on the rescheduled date.