PRIOR PLEA AGREEMENT

Court of Common Pleas
New Castle County Courthouse

500 King Street - Suite 1600
Wilmington, Delaware 19801-3704

PLEASE READ THIS FORM CAREFULLY AND FOLLOW ALL INSTRUCTIONS. IF YOU HAVE QUESTIONS ABOUT THIS FORM, PLEASE CALL THE COURT OF COMMON PLEAS AT (302) 255-0941. (Clerk's Office Number)

The purpose of this form is to provide a convenient way of entering a **NOT GUILTY** plea to the charge(s) in the Court of Common Pleas without having to appear for **Arraignment** (the first appearance in the Court of Common Pleas) as provided for by Court of Common Pleas Rule 10 (c). If you wish to enter a **NOT GUILTY** plea **without** appearing in Court, please **read** and **complete** the following:

1. I waive (give up) my right to appear in the Court of Common Pleas for Arraignment, the reading of the charge against me, and a formal inquiry in open Court as to whether I understand the nature of the charge(s). I will be given a copy of the charge when I appear for Trial.

2. I **enter** a plea of **NOT GUILTY** to the charge(s) and I request a:
   CHECK ONLY ONE [ ] **Non-Jury Trial** (before a Judge)
   [ ] **Jury Trial** (before a jury)

3. **CHECK ONLY ONE** [ ] I will represent myself for Arraignment. I can choose to represent myself or have a lawyer represent me for Trial.
   [ ] I plan to be represented by a private lawyer or a lawyer from the Public Defender's Office. **IF YOU CHECK THIS BOX, YOU MUST TAKE THIS FORM TO YOUR LAWYER AND HAVE HIM/HER SIGN BEFORE SENDING IT TO THE COURT**. If you want to be represented by a lawyer from the Public Defender's Office, you must go to that Office (on the second floor of the New Castle County Courthouse, 500 N. King St.) **within 10 calendar days of your appearance in the Justice of the Peace Court** to have your eligibility determined and to have this Agreement completed. Please call (302) 255-0130 with any questions about being represented by the Public Defender.

4. I understand the following:

   a) I will receive a letter from the Clerk of the Court of Common Pleas with the mandatory date and time I must appear for Trial.

   b) At Trial, I have the right to introduce evidence and have witness(es) testify on my behalf.

   c) I am responsible for having my witness(es) and evidence with me on the day of Trial. If I want the Court to send notice(s) to my witness(es), I must notify the Clerk's Office in writing **at least 10 working days before Trial.** If I believe the witness(es) may not appear in response to the Court's notice, I can ask the Court in writing to issue a subpoena (a fee is charged) to compel (force) their appearance. I can also request that the Court issue a subpoena for documents or other evidence I may need for my defense. Requests for all subpoenas must be made in writing to the Clerk's Office at **least 20 calendar days before the Trial date.**

   d) I can represent myself at Trial <u>or</u> I can choose to be represented by a lawyer from the Public Defender's Office or by a private lawyer.

5. In order to process this request, I have completed the following (**PLEASE PRINT**):

_____	_____	_____
Name	**Case Number** (10 digits) The case number can be found on the Bond and Order to Appear document	**Arraignment Date**

_____
STREET ADDRESS

_____ [ ] Check here if this is a new address
CITY STATE ZIP CODE

_____ _____
DAY TELEPHONE NUMBER EVENING TELEPHONE NUMBER

_____ _____ _____ _____
YOUR SIGNATURE DATE LAWYER'S SIGNATURE DE Bar #

6. Please complete this agreement and mail to the Court of Common Pleas at New Castle County Courthouse Scheduling Division, Suite 1600, 500 N. King Street, Suite 1600, Wilmington, Delaware 19801-3704. **THE COURT MUST RECEIVE THIS AGREEMENT AT LEAST 10 DAYS PRIOR TO YOUR ARRAIGNMENT DATE.**