

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE MANAGEMENT OF CASES §
ALLEGING VIOLATIONS OF §
21 *DEL. C.* § 4177 FILED IN THE §
COURT OF COMMON PLEAS §

ORDER

This 2nd day of October 2019, it appears to the Court that:

WHEREAS, on August 19, 2015, the Court adopted the *Operating Procedures for the Delaware Judicial Branch*, which included Appendix D-2, the *Policy on Speedy Trial Guidelines*;

WHEREAS, the *Policy on Speedy Trial Guidelines* requires the disposition of criminal cases filed in Court of Common Pleas within 90 days of the date of the filing of an information;

WHEREAS, the number of cases alleging violations of 21 *Del. C.* § 4177 have increased substantially in the past several years in the Court of Common Pleas in and for Sussex County;

WHEREAS, cases involving alleged violations of 21 *Del. C.* § 4177 often present complicated evidentiary matters that require additional time and resources for the parties to consider;

WHEREAS, those cases proceed directly from arraignment to trial in a short period of time in the Court of Common Pleas in and for Sussex County, but without any case review process before the Court;

WHEREAS, individuals charged with those offenses in the Court of Common Pleas in and for New Castle County and Kent County are afforded an opportunity to review their cases before a scheduled trial date;

WHEREAS, a case review process facilitates the orderly and efficient administration of cases involving alleged violations of 21 *Del. C.* § 4177;

WHEREAS, a case review process also allows the parties to discuss alternatives to a trial as well as any outstanding issues before a scheduled trial date;

WHEREAS, in order to ensure effective and timely processing of cases involving alleged violations of 21 *Del. C.* § 4177, reporting of the number of such cases, assignment to judicial officer, and the disposition thereof is necessary;

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, under Del. Const. Art. IV, §13(1), that:

1. Section (c)(i) of Appendix D-2 of the Judicial Operating Procedures is hereby modified to add the following underlined text:

Time. All criminal cases except those involving alleged violations of 21 *Del. C.* § 4177 shall be adjudicated as to guilt or innocence or otherwise disposed of within 90 days from the date of filing of the information. Cases involving alleged violations of 21 *Del. C.* § 4177 with non-incarcerated defendants shall be adjudicated as to guilt or innocence or otherwise disposed of within 150 days from the date of filing of the information. Cases for defendants detained as a result of an alleged violation of 21 *Del. C.* § 4177 should be adjudicated as to guilt or innocence or otherwise disposed of within 90 days from the date of filing of the information.

2. A Case Review is required in all cases alleging a violation of 21 *Del. C.* § 4177 filed in the Court of Common Pleas. The Court of Common Pleas shall implement the scheduling of a case review in all cases alleging violation of 21 *Del. C.* § 4177 no later than 45 days after issuance of this Order;

3. The Court of Common Pleas shall provide a report to the Chief Justice regarding the scheduling, assignment to judicial officers, and disposition of all cases alleging violations of 21 *Del. C.* § 4177 on or before December 31, 2019. Subsequent reporting shall be made on July 31, 2020.

BY THE COURT:

/s/ Leo E. Strine, Jr. _____

Chief Justice

cc:	The Honorable John Carney	The Honorable Alex J. Smalls
	The Honorable Karen L. Valihura	The Honorable Kathleen Jennings
	The Honorable James T. Vaughn, Jr.	The Honorable Brendan O’Neill
	The Honorable Collins J. Seitz, Jr.	State Court Administrator
	The Honorable Gary F. Traynor	Court Administrators
	The Honorable Jan R. Jurden	Clerk of the Supreme Court