

APPENDIX D-2

POLICY ON SPEEDY TRIAL GUIDELINES

Administration of criminal litigation.

- (a) Superior Court. The following standards will govern proceedings in the Superior Court unless otherwise directed by the Supreme Court.
- (i) Time. At least 90% of all criminal cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 120 days from the date of indictment/information, 98% within 180 days, and 100% within one year. The following time periods shall not be included:
- (1) For all cases in which a capias was ordered, the time between the date the capias was issued and the date the capias was executed.
 - (2) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.
 - (3) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.
 - (4) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.
 - (5) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.
 - (6) All murder in the first degree cases shall be subject to a separate disposition standard.
- (ii) Time when presentence report has been ordered. In all cases in which a presentence report has been ordered, the sentencing shall take place within sixty (60) days of the date of the plea or verdict.
- (iii) Compliance. On a monthly basis, the Superior Court Administrator shall compile a list of cases not in compliance with these standards and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status on the criminal trial calendar, and cases where the defendant remains in a pretrial detention status shall be given priority over civil matters unless a judge of the Superior Court determines that specific circumstances dictate a departure from this general Rule.
- (iv) For cases that were pending or indicted between March 16, 2020 and December 31, 2021, subparagraphs (i) and (iii) above shall not apply. The Superior Court may prioritize such cases as it determines to be in the best interests of justice and of allowing for the prompt and efficient management of the caseload resulting from the COVID-19 pandemic. On or before January 15, 2022, the Superior Court shall report to the Chief Justice the number of cases that were pending or indicted between March 16, 2020 and December 31, 2020 and remained pending as of December 31, 2021; and on or before January 15, 2023, the Superior Court shall report to the Chief Justice the number of cases that were pending or indicted between

March 16, 2020 and December 31, 2021 and remained pending as of December 31, 2022.

- (b) Family Court. The following standards will govern proceedings in the Family Court unless otherwise directed by the Supreme Court.
- (i) Time. 90% of all adult and juvenile criminal or delinquency cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 45 days after the filing of the information and 100% within 90 days after the filing of the information. The following time periods shall not be included:
 - (1) For all cases in which a *capias* was ordered, the time between the date the *capias* was issued and the date the *capias* was executed.
 - (2) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.
 - (3) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.
 - (4) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.
 - (5) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.
 - (ii) Time when presentence report has been ordered. In all cases in which a presentence report has been ordered, the sentencing shall take place within sixty (60) days of the date of the plea or verdict for non-incarcerated juveniles and adults and within thirty (30) days for incarcerated juveniles and adults.
 - (iii) Compliance. On a monthly basis, the Family Court Administrator shall compile a list of cases not in compliance with these standards and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status over all other civil matters unless a judge of the Family Court determines that specific circumstances dictate a departure from this general Rule.
 - (iv) For cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021, subparagraphs (i) and (iii) above shall not apply. The Family Court may prioritize such cases as it determines to be in the best interests of justice and of allowing for the prompt and efficient management of the caseload resulting from the COVID-19 pandemic. On or before January 15, 2022, the Family Court shall report to the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2020 and remained pending as of December 31, 2021; and on or before January 15, 2023, the Family Court shall report to the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021 and remained pending as of December 31, 2022.

- (c) Court of Common Pleas. The following standards will govern proceedings in the Court of Common Pleas unless otherwise directed by the Supreme Court.
- (i) 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. The following time periods shall not be included:
 - (1) For all cases in which a *capias* was ordered, the time between the date the *capias* was issued and the date the *capias* was executed.
 - (2) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.
 - (3) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.
 - (4) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.
 - (5) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.
 - (ii) Time when presentence report has been ordered. In all cases in which a presentence report has been ordered, the sentencing shall take place within thirty (30) days of the date of the plea or verdict.
 - (iii) Compliance. On a monthly basis, the Court of Common Pleas Administrator shall compile a list of cases not in compliance with these standards and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status on the criminal trial calendar, and cases where the defendant remains in pretrial detention status shall be given priority over all civil matters unless a judge of the Court of Common Pleas determines that specific circumstances dictate a departure from this general Rule.
 - (iv) For cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021, subparagraphs (i) and (iii) above shall not apply. The Court of Common Pleas may prioritize such cases as it determines to be in the best interests of justice and of allowing for the prompt and efficient management of the caseload resulting from the COVID-19 pandemic. On or before January 15, 2022, the Court of Common Pleas shall report to the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2020 and remained pending as of December 31, 2021; and on or before January 15, 2023, the Court of Common Pleas shall report to

the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021 and remained pending as of December 31, 2022.

- (d) Justice of the Peace Court. The following standards will govern proceedings in the Justice of the Peace Court unless otherwise directed by the Supreme Court.
- (i) Time. All criminal cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 90 days from the date of filing of the information. The following time periods shall not be included:
 - (1) For all cases in which a *capias* was ordered, the time between the date the *capias* was issued and the date the *capias* was executed.
 - (2) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.
 - (3) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.
 - (4) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.
 - (5) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.
 - (ii) Time when presentence report has been ordered. In all cases in which a presentence report has been ordered, the sentencing shall take place within thirty (30) days of the date of the plea or verdict.
 - (iii) Compliance. On a monthly basis, the Justice of the Peace Court Administrator shall compile a list of cases not in compliance with these standards and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status on the criminal trial calendar, and cases where the defendant remains in pretrial detention status shall be given priority over all civil matters unless a judge of the Court of Common Pleas determines that specific circumstances dictate a departure from this general Rule.
 - (iv) For cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021, subparagraphs (i) and (iii) above shall not apply. The Justice of the Peace Court may prioritize such cases as it determines to be in the best interests of justice and of allowing for the prompt and efficient management of the caseload resulting from the COVID-19 pandemic. On or before January 15, 2022, the Justice of the Peace Court shall report to the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021; and on or before January 15, 2023, the Justice of the Peace Court shall report to the Chief Justice the number of cases that were pending or for which an information was filed between March 16, 2020 and December 31, 2021 and remained pending as of December 31, 2022.

- (e) Continuance. Each court shall adopt a set of standards providing that continuances shall be granted only for sufficient cause and for the shortest feasible time period.