

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

**ORDER AMENDING RULE 10
OF THE COURT OF COMMON PLEAS
CRIMINAL RULES**

This 25th day of August, 2020, IT IS ORDERED that:

- 1) Court of Common Pleas Criminal Rule 10 is amended by deleting the material in brackets and including the material underlined, as follows:

Rule 10. Arraignment.

(a) Arraignments in open court. -- Except as otherwise provided in this rule, arraignments shall be conducted in open court. The defendant or defendant's attorney shall be given a copy of the information before the defendant is called upon to plead. A reading of the information may be waived by defendant or counsel. The Court may inquire of the defendant whether or not the defendant understands the charge. If the Court is not satisfied that the defendant understands the nature of the accusation made against the defendant, the Court shall have the information read to the defendant and/or the Court shall state the substance of the charge to the defendant before accepting the defendant's plea.

(b) By ~~[closed-circuit television]~~ video. -- Arraignment of incarcerated defendants pursuant to subdivision (a) of this rule may be conducted by ~~[closed-circuit television]~~ video. Access to such proceedings shall be available to the public by remote video or by video in the courtroom. ~~[Television monitors shall be situated in the courtroom and at the place of incarceration as to provide the public, the court, and the defendant with a view of the proceedings. A videotape of the proceedings shall constitute the record of the court.]~~

(c) Arraignment by prior pleading. -- An arraignment in open court shall not be required when, prior to the scheduled arraignment, there shall have been served and filed a response to the information setting forth the following: (1) an acknowledgment that the defendant and defendant's attorney have read the information and that the defendant understand the nature of the accusations made against the defendant, (2) a waiver by the defendant and defendant's attorney of the reading of the information in open court, (3) the plea of the defendant, which shall not be a plea of guilty or nolo contendere, (4) an election that trial by jury is either waived or demanded, and (5) the current address of the defendant. The foregoing pleading shall be endorsed by ~~[both]~~ the defendant [;] and the defendant's attorney, filed with the Court by delivery in-person, U.S. mail, or electronic transmission, and a copy shall be provided to the attorney general. For the purpose of computation of applicable time periods within these Rules, when the procedure for arraignment by prior pleading shall have been followed, the day of filing of the pleading shall be deemed the day of the arraignment. An attorney who files a response to an information hereunder shall be deemed to

have entered a general appearance for the defendant and shall thereafter be permitted to withdraw only with leave of the Court for good cause.

(d) Bail. -- When the nature or number of charges change after appearance before the Magistrate, and the defendant is to be tried in the Court of Common Pleas, the bail previously fixed shall apply to the new charges. The Attorney General may move to increase the bail and the surety may move to withdraw.

2) This rule amendment is effective August 27, 2020.