

**STATEMENT FROM THE COURT OF COMMON PLEAS
CONCERNING SUPREME COURT ADMINISTRATIVE ORDER NO. 3**

On March 22, 2020, the Delaware Supreme Court issued Administrative Order No. 3, closing to the public all courthouses in the State until April 15, 2020, and implementing certain other measures in response to the public health threat posed by COVID-19. The purpose of this Statement is to elaborate on procedures in the Court of Common Pleas in accordance with the Supreme Court's Administrative Order No. 3.

1. Court of Common Pleas Schedule. Proceedings will be held in the Court of Common Pleas on Mondays, Wednesdays, and Fridays. The schedule of matters to proceed on those dates will be entered by the Court.

2. Remote Video Access. Counsel seeking to participate in a proceeding by video via Skype for Business must request access at least 24 hours in advance of their initial proceeding by contacting:

New Castle County:

Whitney Frame (whitney.frame@delaware.gov) **and**
Carol Lemieux (carol.lemieux@delaware.gov), or designee

Kent County:

Stephanie Fitzgerald (stephanie.fitzgerald@delaware.gov) **and**
Julie Brooks (julie.brooks@delaware.gov), or designee

Sussex County:

Tamara Burton (tamara.burton@delaware.gov) **and**
Jennifer Schaeffer (jennifer.shaffer@delaware.gov), or designee

The Court must be contacted for the first appearance only; a calendar invite will then be provided for subsequent appearances. Additionally, all video proceedings can be accessed by telephone as follows:

New Castle County

(302) 526-5475, Conference ID: 171128

Kent County

(302) 526-5475, Conference ID: 1642450

Sussex County

(302) 526-5475, Conference ID: 893894

3. Emergency and essential matters.

a. In addition to the proceedings identified in Scheduling Memorandum Nos. 1 and 2, the Court will continue to hold hearings on the following emergency and essential matters, which will be conducted telephonically or by video:

- (i) Emergency reviews of bail conditions;
- (ii) Civil motions that involve emergency proceedings by the Court, which may include stay execution of judgment
- (iii) Expedited matters that need to be heard by the Court.

b. Motions shall be docketed with the Clerk's Office in the County in which the motion shall be heard, with copies to opposing counsel and the Judicial Officer on duty or the most senior Judicial Officer.

4. Pleas in Absentia. To enter a plea in absentia under *CCP Crim. R. 43(c)*, counsel for the defendant must obtain approval from the Court and submit a Plea in Absentia Form (attached as Exhibit A). The Plea in Absentia Form must be signed by the defendant, and counsel must be prepared to satisfy the defendant's financial obligations.

5. Posting Bail. Bail for Court of Common Pleas cases may be posted Monday through Friday between 9:00 a.m. and 2:00 p.m. at the following locations:

New Castle County
Justice of the Peace Court 11
2 Penns Way, Suite 100A
New Castle, DE

Kent County
Justice of the Peace Court 7
480 Bank Lane
Dover, DE

Sussex County
Justice of the Peace Court 3
23730 Shortly Rd
Georgetown, DE

March 27, 2020

Alex J. Smalls,
Chief Judge

EXHIBIT A

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE
IN AND FOR
 NEW CASTLE COUNTY KENT COUNTY SUSSEX COUNTY

STATE OF DELAWARE)
vs.) Case No(s). _____
) _____
) _____
Defendant's name (please print)) D.O.B. _____

GUILTY PLEA IN ABSENTIA
(DEFENDANT NOT PRESENT IN COURT)

PLEAS IN ABSENTIA ARE ONLY ACCEPTED BY PERSONS REPRESENTED BY AN ATTORNEY

The defendant must answer the following questions in his own handwriting:

1. Charge(s): _____
2. Age: _____ Last grade completed in school: _____
3. Present Employer: _____ Salary: _____
4. Have you ever been a patient in a mental hospital? _____
5. Are you under the influence of alcohol or drugs? _____
6. Have you freely and voluntarily decided to plead guilty to the charges listed above? _____
7. Have you consulted a lawyer about your decision to plea guilty? _____
If not, do you desire to do so? _____
8. If you have consulted a lawyer, are you satisfied that you have had adequate time to confer with him/her and that you have been adequately represented? ____
9. Do you understand that because you are pleading guilty you will not have a trial and you therefore waive (give up) your constitutional right:
 - (a) to be presumed innocent until the State can prove each and every part of the charges against you beyond a reasonable doubt;
 - (b) to a speedy and public trial with the assistance of a lawyer;
 - (c) to a trial by jury;
 - (d) to hear and question the witnesses against you;
 - (e) to present evidence in your defense;
 - (f) to testify or not testify in your defense at trial; and
 - (g) to appeal you conviction to a higher court? _____
10. Do you understand your consent is required for a plea of guilty before a Commissioner of the Court of Common Pleas and the sentence thereon? _____
11. What is the total consecutive maximum penalty provided by law for the charges to which you are pleading guilty? _____
12. Is there a mandatory minimum penalty? _____ If so, what is it?

13. If you are on probation or parole, do you understand that your guilty plea will be a violation of probation or parole? _____
14. Has anyone promised you or made any guarantee what your sentence will be?

15. Has anyone threatened you or forced you to plead guilty? _____

16. Is your plea the result of a "plea bargain" with the State? _____

I hereby certify that I have personally answered each of the above questions, that I fully understand the elements of each offense with which I am charged, and that I understand the consequences of this guilty plea, and hereby consent to the imposition of sentence by the Commissioner of the Court of Common Pleas.

I hereby waive my right to be present in Court for my plea of guilty and for sentencing.

SIGNATURE OF DEFENDANT _____ DATE _____

SIGNATURE OF DEFENSE COUNSEL

DEPUTY ATTORNEY GENERAL

DEFENDANT HAS BEEN ADVISED OF THE FOLLOWING:

PRIOR CRIMINAL HISTORY:

- () Two or more prior felonies
- () Injury while DUI
- () Lack of amenability
- () Repetitive Criminal History
- () None of the above

This record is not certified and represents only my current knowledge regarding the defendant.

As a result of this history, the SENTAC sentence guidelines are as follows:

Lead offense _____ up to _____ at level _____
charge time

Secondary offense _____ up to _____ at level _____

_____ up to _____ at level _____

_____ up to _____ at level _____

_____ up to _____ at level _____

_____ up to _____ at level _____

_____ up to _____ at level _____

_____ or _____

Defense Counsel _____

Deputy Attorney General _____

Date: _____