

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

HENRY JUPONT RIDGELY  
PRESIDENT JUDGE

COURT HOUSE  
DOVER, DE 19901

ADMINISTRATIVE DIRECTIVE  
OF THE  
PRESIDENT JUDGE OF THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

NO. 92-3

DISPOSITION OF DEFENDANT  
PENDING LEVEL 4 VIOLATION HEARING

This 21st day of September, 1992, it appears that:

- (1) Violation-of-condition-of-sentence proceedings relating to Level 4 sentences have unique characteristics and problems due to the quasi-incarcerative nature of the sentence.
- (2) Procedures to alleviate unnecessary transportation of prisoners are desirable in these cases.
- (3) Expedited violation hearings are necessary in these cases due to the nature of the sentence and potential threat to the community.

**NOW, THEREFORE, IT IS ORDERED:**

- (1) When the Court issues a *capias* for violation of conditions of a Level 4 sentence, it shall consider whether bail should be set or whether the defendant should be held without bail pending the violation hearing and shall so indicate on the face of the *capias*.
- (2) Upon the defendant being taken into custody of the Department of Correction, the Department shall notify the sentencing Judge and obtain a hearing date.
- (3) The Court will set an expedited hearing date for these violations, and the defendant will be held or released under the terms set on the face of the *capias* until the time of that hearing; the *capias* shall be returned at the time of the violation hearing.



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President Judge

oc: Prothonotaries  
pc: Superior Court Judges  
Presentence Offices  
Henry Risley, Department of Correction  
File