

STATEMENT FROM THE COURT OF COMMON PLEAS CONCERNING PROCEDURES IN CRIMINAL MATTERS

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. On April 14, 2020, the Delaware Supreme Court issued Administrative Order No. 4, extending such restrictions to May 14, 2020.

In addition to the policies and procedures set forth in the Court of Common Pleas' prior COVID-19 related orders and statements, the following shall apply in all criminal matters in the Court of Common Pleas during this period and any continuation thereof:

1. Discovery. All discovery-related filings in criminal matters, including discovery requests, notices of service, and discovery motions, shall be filed with the Court via email, with a copy to opposing counsel, at the following email addresses:

New Castle County: CCPNCC_CriminalFilings@delaware.gov

Kent County: CCPKent_CriminalFilings@delaware.gov

Sussex County: CCPSussex_CriminalFilings@delaware.gov

2. Scheduling. All criminal proceedings scheduled for an in-Court appearance through May 31, 2020, shall be rescheduled for a date not earlier than June 1, 2020, with the following exceptions:

(a) All proceedings, other than jury trials, involving individuals in custody for the scheduled proceedings and emergency reviews of bail shall proceed as scheduled. Individuals in custody for jury trials shall be afforded a hearing to review bail, waive jury trial, or enter a plea agreement. The Court shall conduct such proceedings by video, or other means where video is not available;

(b) Preliminary hearings for detained individuals shall proceed by video, or other means where video is not available;

3. Emergency Bail Motions. The Court of Common Pleas is accepting emergency bail motions by email. The attorneys should file formal motions and email the assigned Judge in accordance with the grid below.

a. New Castle County

<i>Rotation Schedule</i>	
Monday 4/20/2020 – Friday 5/1/2020	Judge Danberg / Judge Manning
Monday 5/4/2020 – Friday 5/15/2020	Chief Judge Smalls / Judge Welch
Monday 5/18/2020 – Friday 5/29/2020	Judge Surles / Judge Danberg
Monday 6/1/2020 – Friday 6/12/2020	Judge Welch / Chief Judge Smalls

*Commissioner McDonough telecommuting

b. Kent County

<i>Rotation Schedule</i>	
Monday 4/20/2020 – Friday 5/1/2020	Judge Hartnett / Judge Amalfitano
Monday 5/4/2020 – Friday 5/15/2020	Judge Amalfitano / Judge Hartnett
Monday 5/18/2020 – Friday 5/29/2020	Judge Hartnett / Judge Amalfitano
Monday 6/1/2020 – Friday 6/12/2020	Judge Amalfitano / Judge Hartnett

c. Sussex County

<i>Rotation Schedule</i>	
Monday 4/20/2020 – Friday 5/1/2020	Judge Clark / Commissioner Bucklin
Monday 5/4/2020 – Friday 5/15/2020	Commissioner Bucklin / Judge Clark
Monday 5/18/2020 – Friday 5/29/2020	Judge Clark / Commissioner Bucklin
Monday 6/1/2020 – Friday 6/12/2020	Commissioner Bucklin / Judge Clark

4. Posting Bail. Bail for a Court of Common Pleas case may be posted 24/7 at any of the Justice of the Peace Courts listed below. Bail on a Violation of Probation may only be posted between 8:30 a.m. and 4:00 p.m. Please call the Justice of the Peace Court prior to appearing at the location so that they will expect you and will have appropriate paperwork ready.

New Castle County

Justice of the Peace Court 11
2 Penns Way, Suite 100A
New Castle, DE
(302) 323-4450

Kent County

Justice of the Peace Court 7
480 Bank Lane
Dover, DE
(302) 739-4554

Sussex County

Justice of the Peace Court 3
23730 Shortly Rd
Georgetown, DE
(302) 856-1445

April 14, 2020

Alex J. Smalls,
Chief Judge