

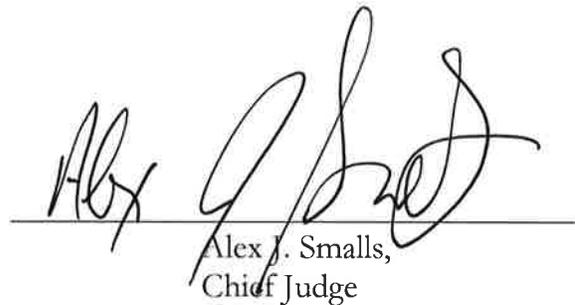
**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
POLICY NO. 2019-2
REGARDING PROCEDURES FOR THE ISSUANCE OF CAPIASES IN CASES IN
WHICH THE STATE INTENDS TO OFFER A MISDEMEANOR PLEA**

The Court is committed to its objective of ensuring the expeditious disposition of criminal cases. To facilitate the efficient resolution of cases, the Court adopts the following policy for cases in which a defendant fails to appear before the Court at a preliminary hearing:

1. The State shall notify the Court of any cases that, based upon its review, the State intends to offer a misdemeanor plea.
2. In such cases, the default shall be to issue a summons (notice) for the defendant's failure to appear in the first instance, and reschedule the case for a subsequent preliminary hearing date.
3. If the defendant fails to appear at the rescheduled preliminary hearing, the Court shall issue a capias for the failure to appear.
4. Upon return of the capias, the case shall be scheduled on the Preliminary Hearing Calendar. Notice shall be sent to the Attorney General's Office and the Office of Defense Services or the defendant's privately retained counsel.

This Policy is intended for procedural case processing purposes only, and does not vest, limit, or expand any legal rights or obligations held by any litigant.

This Policy is effective June 4th, 2019.



Alex J. Smalls,
Chief Judge