



STATE OF DELAWARE  
**THE JUSTICE OF THE PEACE COURT**


5 E. PINE STREET  
GEORGETOWN, DELAWARE 19947  
TELEPHONE: (302) 856-5871  
FAX: (302) 856-5919

2 PENNS WAY  
SUITE 100 B  
NEW CASTLE, DELAWARE 19720  
TELEPHONE: (302) 323-4530

ALAN G. DAVIS  
CHIEF MAGISTRATE

**POLICY DIRECTIVE 00-182 (4<sup>th</sup> REVISION)**

**TO: ALL JUSTICE OF THE PEACE COURT EMPLOYEES**

**FROM: ALAN G. DAVIS**  
**CHIEF MAGISTRATE** 

**DATE: JULY 14, 2025**

**RE: SCHEDULING TRIALS/HEARINGS FOR OTHER JUSTICE OF THE PEACE COURT LOCATIONS**

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**SCOPE:**

This policy directive establishes procedures for scheduling hearings and trials for other Justice of the Peace Court locations, adhering to the one court with different locations philosophy.

**JUSTICE OF THE PEACE COURT POLICY:**

It is the policy of the Justice of the Peace (JP) Court that:

- 1) Arraigning court locations, at the time of a presentment on new charges or on a Failure to Appear (FTA) capias, shall schedule the next court hearing (except a trial) for a defendant *released on their own recognizance, or on an unsecured monetary condition of release bond*, unless coordination with other court locations is necessary and court hours or caseload at the time prohibit scheduling coordination. In those instances, the arraigning court locations shall provide a defendant bond paperwork indicating that the original court locations will notify them of the date and time for their next hearing;

- 2) Arraigning court locations, at the time of a presentment on new charges or on a FTA *capias*, shall provide a defendant requesting trial and *released on their own recognizance, or on an unsecured monetary condition of release bond*, with bond paperwork stating that the original court locations shall schedule the trial and will notify the defendant of the date and time for their trial;
- 3) Arraigning court locations shall transfer cases for a defendant who is *committed at the initial presentment with secured or cash financial conditions on new charges to the Statewide Bail Review Court location<sup>1</sup> for a bail review as long as the defendant is remaining in JP Court for trial*. The court location with jurisdiction shall then be responsible for scheduling the next hearing;
- 4) Arraigning court locations shall schedule a *capias return hearing & bail review* for a defendant who is *committed with secured or cash financial conditions on a FTA capias or FTA for Capias Return Hearing capias* on the next business day in the originating court location. This makes sure that incarcerated defendants are seen as quickly as possible; and
- 5) The arraigning judge shall verify the defendant's address and have the defendant sign the jurisdictional form when appearing in person. The arraigning court location shall forward all signed documents with the case to the court location with jurisdiction.

**This policy revision rescinds the mandate to schedule trials in JP court locations for committed defendants within 10 (ten) days.** JP Court has instituted the bail review and *capias* return hearing processes described above, to more accurately reflect processes available to defendants whose cases have been transferred to the Court of Common Pleas (CCP,) making the 10-day mandate unnecessary. A committed defendant has the right to file a motion with the Court to amend conditions of bond at any time prior to the date of trial.

#### **POLICY DIRECTIVES AFFECTED:**

The following policy directives are hereby rescinded and may be retained for historical purposes:

- Policy Directive 00-182, November 16, 2000 "Scheduling Trials/Hearings for Other Justice of the Peace Courts";
- Policy Directive 00-182 (Revised), December 20, 2001 "Scheduling Trials/Hearings for Other Justice of the Peace Courts"; and
- Policy Directive 00-182 (3<sup>rd</sup> Revision), July 19, 2004 "Scheduling Trials/Hearings for Other Justice of the Peace Courts".

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<sup>1</sup> The Statewide Bail Review Court location is currently Court 20.

**EFFECTIVE DATE:**

This policy shall take effect on July 14, 2025.

**DISCUSSION:**

Initially, JP Court locations were not required to schedule hearings or trials for other JP Court locations. Bond or commitment paperwork indicated that the defendant would be notified of the date for trial or arraignment by the court in which the trial or arraignment would be conducted. In November 2000, Chief Magistrate Griffin established that hearing and trial dates in other JP Court locations should be scheduled by the arraigning Court location for all defendants. In December 2001, this process was modified somewhat by the addition of “dummy dates” for non-incarcerated defendants. However, “dummy dates” resulted in frustrated defendants who would receive multiple notices for court hearings and created confusion for the clerical staff. This policy directive revision removes the use of the “dummy date” for hearings in other JP Court locations as a scheduling option.

Policy Directive 96-161 (Revised,) “Handling Justice of the Peace Court Capiases,” requires that all JP Court locations shall handle and appropriately dispose of outstanding capiases issued by other Justice of the Peace (JP) Court locations, regardless of the county or hours of operation of the issuing court’s location.

In addition to handling capiases, JP Court locations may conduct arraignments for defendants who will have their trials or other hearings held in different JP Court locations. As a result, there are times that a defendant will appear for a capias return or arraignment in a JP Court location and will need to be scheduled for another proceeding in a different JP Court location.

Returning/arraigning court locations shall schedule all arraignments/hearings to take place in another JP Court location, whenever possible (except for trials). If needed, every effort should be made to coordinate with the original court location so the defendant is given a bond with the date and time for the next hearing (except for trials) prior to leaving the arraigning JP Court location. Given the varied hours at JP Court locations as well as the absence of all police agency schedules online, there may be difficulties providing a defendant a date and time for their next court hearing. If the original court location is unavailable to assist with scheduling or the arraigning court location is unable to determine an appropriate hearing date for a non-incarcerated defendant, the arraigning court location shall provide a bond to the defendant stating that the original court location will notify them of the date and time of their next hearing. Original court locations shall schedule all trials.

When scheduling proceedings for other JP Court locations, the clerks should review the original Court location’s schedule for arraignments, police prosecutions, and other hearings and access the police schedule if available via DELJIS (when needed.) Every attempt should be

made to minimize conflicts and to coordinate (when needed) with the original court location for appropriate hearing dates and times if that court is open and available.

### **Committed Defendants**

If the judge is committing a defendant on a secured or cash monetary conditions of release bond at the time of the *initial presentment and the defendant is remaining in JP Court for trial*, the arraigning court location shall immediately transfer the case to JP Court 20 for a bail review. *The commitment shall specify that the original court location will notify the defendant of the date and time for trial.* The returning/arraigning court shall confirm the defendant's mailing address.

The Statewide Bail Review Court is the designated court location for bail reviews for a defendant committed at their initial presentment, regardless of the county in which the defendant was charged or arraigned.<sup>2</sup> The Court is required to conduct a bail review of defendants who remain detained after 72 hours from the initial presentment.<sup>3</sup> Both the Attorney General's Office and the Office of Defense Services will submit positions on the defendant's bond conditions. This review is required if the defendant is held on a secured conditions of release bond or a cash or other financial surety conditions of release bond when the charges are exclusive to the JP Court or when jurisdiction lies jointly in the JP Court and the Court of Common Pleas (CCP) and the defendant has elected to remain in the JP Court.

**\*\*AN ORDER TO OVERRIDE SHALL ACCOMPANY THE CASE PAPERWORK TO CT. 20. THE ATTORNEY GENERAL'S OFFICE AND THE OFFICE OF DEFENSE SERVICES WILL NEED AN UNDERSTANDING AS TO THE JUDGE'S REASONING FOR REQUIRING SECURED OR CASH BAIL IN ORDER TO CONSCIENTIOUSLY PROVIDE THEIR RECOMMENDATIONS TO THE JUDGE IN CT. 20.\*\***

After a Bail Review, the Statewide Bail Review Court location shall transfer the case back to the original court location to schedule the trial. Original court locations shall schedule all trials, regardless of whether the defendants have posted (or expect to post) monetary conditions of release bonds, are released on their own recognizance or unsecured conditions of release bonds or remain committed at the conclusion of the Bail Review. Judges in original court locations have the defendants' complete files before them and clerical staff has access to officers' schedules, including those not obtainable online. Judges in the original court locations may schedule internal additional bail review hearings for defendants who have been financially unable to post monetary bail, in order to avoid unreasonable periods of incarceration prior to trial.

If defendants are committed on monetary conditions of release bonds on **capiases for failure to appear for trial**, they are NOT entitled to a bail review hearing *in the Statewide Bail Review Court location* as described above. The Court shall **schedule capias return & bail**

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<sup>2</sup> See Delaware Justice of the Peace Clerical Processing: Scheduling a Criminal Case (last updated 04/05/19).

<sup>3</sup> 11 Del. C. § 2110(a), effective January 1, 2019.

**review hearings in the original court locations** on the next day the courts are open. The original court locations will schedule trials and conduct internal bail review hearings for incarcerated defendants who continue to be financially unable to post monetary bail, in order to avoid unreasonable periods of incarceration prior to trial.

The original PD 00-182 stated that trials in JP Court should be scheduled within 10 days for committed defendants. Since there was no consistent system of bail reviews at that time, this policy was linked to the timeframe defendants had to wait for a preliminary hearing in CCP: the first opportunity for committed defendants with felony charges to receive bail reviews. And since the original policy was written, CCP has instituted automatic bail reviews within three business days for committed defendants with misdemeanor charges. All committed defendants remaining in JP court locations for trial have misdemeanor charges, so procedural fairness dictates that these defendants would also receive bail review hearings within three business days. And since defendants remaining in JP Court for trials who are committed have bail reviews, either in the Statewide Bail Review Court location or in the original court location, the directive for scheduling trials within ten days is no longer necessary. In addition, a committed defendant has the right to file a motion with the Court to amend conditions of bond at any time prior to the date of trial.

Therefore, the mandate to schedule trials for committed defendants within ten days is rescinded.

**Court locations should continue to find the earliest possible trial date coinciding with officers' schedules for all defendants remaining committed on monetary conditions of release bonds, in order to avoid unreasonable periods of incarceration prior to trial. If a committed defendant is later found or pleads guilty, the judge has the discretion to consider the length of time the defendant served when determining that defendant's sentence, including charging off fines and fees where statute allows.**

### **CONCLUSION:**

It is the policy of the JP Court that all defendants will be provided with a date and time for their next hearing at the time of arraignment or capias return whenever possible, except for trial scheduling. All trials shall be scheduled by the original court locations. If the arraigning court location will not be handling future hearings, all efforts will be made to ensure that a hearing at the original court location is scheduled as outlined above. This policy outlines the procedures to be followed, in coordination with PD 96-161 (Revised,) in regard to scheduling all hearings in other JP Court locations.

JP Court has instituted the bail review and capias return hearing processes described above to provide more procedural fairness and to reflect processes available to defendants who transfer their cases to the Court of Common Pleas. These changes make the mandate for a 10-day maximum limit for trials to be heard for incarcerated defendants unnecessary.

cc: Hon. Collins J. Seitz, Jr.  
Hon. Kathaleen S. McCormick

Hon. Eric M Davis  
Hon. Carl Danberg  
Hon. Michael K. Newell  
Alderman's Courts  
Gale Lafferty, Court Administrator  
Elizabeth Petrick, Justice of the Peace Court Administrator  
Stephanie Parker, Justice of the Peace Deputy Court Administrator  
Rebecca Trifillis, Justice of the Peace Court Staff Attorney  
Nathan Kingree, Justice of the Peace Court Staff Attorney  
Lauren Ellis, Operations Manager  
Roger Roof, Operations Manager  
Orlando Harper, Chief of Uniformed Services  
Erika Shreve, Justice of the Peace Court Truancy Coordinator