SUPREME COURT OF DELAWARE

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ADMINISTRATIVE DIRECTIVE NUMBER 130

This 11th day of July, 2001,

IT APPEARS THAT:

(1) This Directive is issued to the Superior Court, the Family Court, and the Court of Common Pleas.

(2) This Directive is issued pursuant to recommendations contained in the Final Report of the Committee on Speedy Trial Guidelines dated November 1, 2000. It is for the sole purpose of directing the administration of criminal litigation and is not designed to enlarge or diminish the legal rights of litigants in criminal cases.

(3) In its Final Report, the Committee on Speedy Trial Guidelines recommended a modification of the speedy trial standard contained in Administrative Directive Number Eighty-Two, dated May 16, 1990, which provides for monitoring of criminal cases from "arrest to disposition." As

the Committee observed, the courts are not responsible for moving cases through the criminal justice system between the time of arrest and indictment/information and, therefore, their reporting responsibility should encompass only the period under their control—that is, from "indictment/information to disposition."

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court (Del. Const., art. IV, § 13), that:

(A) SUPERIOR COURT

(1) At least 90% of all criminal cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 120 days from the date of indictment/information, 98% within 180 days, and 100% within one year. The following time periods shall not be included:

(a) For all cases in which a capias was ordered, the time between the date the capias was issued and the date the capias was executed.

(b) For all cases in which a presentence investigation has been ordered by the court, the time between the

ordering of the presentence investigation and sentencing.

(c) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.

(d) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.

(e) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.

(f) All murder in the first degree cases shall be subject to a separate disposition standard.

(2) In all cases in which a presentence report has been ordered, the sentencing shall take place within 60 days of the date of the plea or verdict.

(3) Commencing three months after the effective date of this Administrative Directive, and thereafter on a monthly basis, the Superior

Court Administrator shall compile a list of cases not in compliance with the speedy trial standards set forth herein and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status on the criminal trial calendar, and cases where the defendant remains in a pretrial detention status shall be given priority over civil matters unless a judge of the Superior Court determines that specific circumstances dictate a departure from this general rule.

(B) FAMILY COURT

(1) Within one year from the date of this Directive, 80% of all adult and juvenile criminal or delinquency cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 60 days after the filing of the information and 100% within 120 days after the filing of the information, with the exceptions noted below. Thereafter, within two years from the date of this Directive, 90% of all adult and juvenile cases shall be adjudicated or otherwise disposed of within 45 days after the filing of the information and 100% within 90 days after the filing of the information. The following time periods shall not be included:

(a) For all cases in which a capias was ordered, the time between the date the capias was issued and the date the capias was executed.

(b) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.

(c) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.

(d) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.

(e) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.

(2) In all cases in which a presentence report has been ordered, the sentencing shall take place within 60 days of the date of the plea or verdict for

non-incarcerated juveniles and adults and within 30 days for incarcerated juveniles and adults.

(3) Commencing three months after the effective date of this Administrative Directive, and thereafter on a monthly basis, the Family Court Administrator shall compile a list of cases not in compliance with the speedy trial standards set forth herein and shall send a copy thereof to the Chief Justice by the middle of the following month. Cases so listed shall be given priority over all other civil matters unless a judge of the Family Court determines that specific circumstances dictate a departure from this general rule.

(C) COURT OF COMMON PLEAS

(1) All criminal cases shall be adjudicated as to guilt or innocence or otherwise disposed of within 90 days from the date of the filing of the information. The following time periods shall not be included:

(a) For all cases in which a capias was ordered, the time between the date the capias was issued and the date the capias was executed.

(b) For all cases in which a presentence investigation has been ordered by the court, the time between the ordering of the presentence investigation and sentencing.

(c) For all *nolle prosequis*, the time between the scheduled trial date and the filing of the *nolle prosequi*.

(d) For all cases in which a mental examination has been ordered by the court, the time between the date of said order and the receipt by the court of the Examination/Evaluation Report.

(e) For all cases in which a defendant has been evaluated as incompetent to stand trial, the time during which the defendant remains incompetent.

(2) In all cases in which a presentence report has been ordered, the sentencing shall take place within 30 days of the date of the plea or verdict.

(3) Commencing three months after the effective date of this Administrative Directive, and thereafter on a monthly basis, the Court of Common Pleas Administrator shall compile a list of cases not in compliance with the speedy trial standards set forth herein and shall send a copy thereof

to the Chief Justice by the middle of the following month. Cases so listed shall be given priority status on the criminal trial calendar, and cases where the defendant remains in a pretrial detention status shall be given priority over all civil matters unless a judge of the Court of Common Pleas determines that specific circumstances dictate a departure from this general rule.

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Each court shall adopt a set of standards providing that continuances shall be granted only for sufficient cause and for the shortest feasible time period.

This Administrative Directive shall be effective July 1, 2001, and supersedes and repeals Administrative Directive Number Eighty-Two, dated May 16, 1990.

E. Norman Veasey
Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Myron T. Steele
Members of the Judicial Conference
The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan
Court Administrators
Clerk of the Supreme Court