IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
V.)	I.D. No. 2001012768
)	
CANDICE WILLIAMS,)	
)	
Defendant.)	

Submitted: February 17, 2021 Decided: February 23, 2021

ORDER

Upon Review of Defendant's Motion to Dismiss DENIED

Defendant Candice Williams (hereinafter "Defendant") has filed a Motion to Dismiss, requesting that the Court dismiss the charges against her pursuant to Superior Court Criminal Rule 48(b). For the reasons set forth below, Defendant's Motion is **DENIED**.

Defendant was arrested on January 21, 2020, and charged with various weapons-related and drug-related offenses, including several felonies. She requests dismissal of the charges against her because, to date, no information has been filed and no grand jury has indicted her.

In order to prevail on such a motion, a defendant must show that there has been "unnecessary delay" in presenting the charges to a grand jury or in filing an information. Defendant, however, has failed to demonstrate "unnecessary delay" because she has failed to establish, or even to allege, that any delay in Defendant's indictment is "attributable to the prosecution" or that it has had any "'prejudicial effect upon defendant' beyond that normally associated with a criminal justice

¹ Super. Ct. Crim. R. 48(b).

system necessarily strained by a burgeoning case load."² The Court notes that the Delaware Supreme Court's March 13, 2020, Order Declaring a Judicial Emergency, and subsequent extensions of that Order, have resulted in suspensions and delays of grand jury proceedings. The Court further notes that Defendant is not incarcerated.³

WHEREFORE, Defendant's Motion is **DENIED**. IT IS SO ORDERED.

Judge Noel Eason Primos

NEP/wjs Via Email

oc: Prothonotary

Gregory R. Babowal, Esquire Cara M. B. MacDonald, Esquire

² State v. McElroy, 561 A.2d 154, 155-56 (Del. 1989) (citations omitted).

³ See, e.g., State v. Watson, 2021 WL 303032, at *3 (Del. Super. Jan. 28, 2021) (defendant's motion to dismiss pursuant to Rule 48(b) denied where defendant had failed to show how he had been prejudiced or that the delay had resulted from any improper action of the State rather than from the COVID-19 pandemic); State v. Simmons, 2020 WL 5588813, at *1 (Del. Super. Sept. 18, 2020) (Rule 48(b) motion denied because defendant unable to show that delays in indictment resulting from pandemic were attributable to State).