

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,	)	
	)	
v.	)	ID. No. 1201013293
	)	
ROBERT JERVEY.	)	
	)	

**ORDER**

AND NOW, TO WIT, this 10<sup>th</sup> day of July, 2012, **IT IS HEREBY**

**ORDERED** as follows:

Before the Court is Defendant’s motion to file a motion to suppress out of time. On April 17, 2012, this Court issued a scheduling order setting forth a deadline of May 13, 2012 for filing motions to suppress. On May 10, 2012, the State forwarded copies of Defendant’s three separately-recorded interviews. Defense counsel claims that additional police reports that were sent by the State on July 17, 2012, were relied upon in the motion to suppress. However, pursuant to Super. Ct. Crim. R. 16(a)(2), police reports are non-discoverable.<sup>1</sup>

The motion to file out of time was filed on June 27, 2012, over six weeks past the deadline in the scheduling order. Trial in the case is scheduled for July 12, 2012. “Untimely motions to suppress need not be considered in the absence of

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<sup>1</sup> See Super. Ct. Crim. R. 16(a)(2); *Traylor v. State*, 620 A.2d 859, at \*1 (Del. 1993).

exceptional circumstances.”<sup>2</sup> The Court finds no exceptional circumstances in this case warranting consideration of the motion to suppress. Therefore, as this Court has broad discretion to enforce its rules set forth in pretrial orders,<sup>3</sup> the Defendant’s motion is **DENIED**.

**IT IS SO ORDERED.**

/S/CALVIN L. SCOTT  
Judge Calvin L. Scott, Jr.

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<sup>2</sup> *Pennewell v. State*, 822 A.2d 397, at \*1 (Del. 2003) (citing *Barnett v. State*, 691 A.2d 614, 615 (Del. 1997)).

<sup>3</sup> *Miller v. State*, 3 A.3d 1098, at \*2 (Del. 2010).