

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)
)
 v.) Case I.D. 9911016309
)
 MICHAEL JONES,)
 Defendant.)

Submitted: March 31, 2005

Decided: April 15, 2005

ON DEFENDANT'S
MOTION FOR REARGUMENT
DENIED

ORDER

Stephen M. Walther, Esquire, and John A. Barber, Esquire, Deputy Attorneys General, Wilmington, Delaware, for the State.

Kevin J. O'Connell, Esquire, and Jerome M. Capone, Esquire, Wilmington, Delaware, Attorneys for Defendant.

ABLEMAN, JUDGE

The Court has considered Defendant's Motion To Reargue the Court's March 24, 2005 Memorandum Opinion denying Defendant's Motion For Disqualification and Motion For New Trial. In the Court's view, the record of this case speaks for itself, and the prior opinion is both accurate and legally sound.¹ Defendant's Motion therefore provides no basis for reargument, and is hereby **DENIED.**²

IT IS SO ORDERED.

Peggy L. Ableman, Judge

cc: Kevin J. O'Connell, Esquire
Jerome M. Capone, Esquire
Stephen M. Walther, Esquire
John A. Barber, Esquire
Prothonotary

¹ The bulk of this Motion complains about the strongly critical language in the prior opinion. It is therefore important to note that the Court warned Mr. O'Connell that it would have to rebut counsel's grave factual allegations, and gave him a chance to withdraw the motions in favor of first addressing them in an informal office conference in chambers. In doing so, the Court attempted to uphold the tradition of civility so important to the Delaware bench and bar, despite the fact that defense counsel had launched an unfounded, highly offensive attack on the Court's character. Mr. O'Connell refused, insisted on standing by the original accusations, and thereby chose to pursue the matter publicly. The Court would have offered Mr. Capone the same opportunity, but he was vacationing in Spain at the time of the filing, could not be reached, and had left Mr. O'Connell to speak for him on this matter.

² "A motion for reargument will be denied where it relies on grounds not raised in the original proceeding or where it merely advances the same matters that were already considered in the original proceeding." *Steadfast Ins. Co. v. Eon Labs Mfg., Inc.*, 1999 WL 743982 (Del. Super.) at 1. The arguments raised by this Motion are identical to those addressed in the prior opinion.