

District Court of Maryland

QUICK REFERENCE GUIDE



Applicable Maryland Rules and Statutes at Initial Appearances

Authority of District Court Commissioners Generally:

- Maryland Constitution – Article IV, Section 41G
- Courts and Judicial Proceedings (CJ) 2-607
- Maryland Rule (MR) 4-212 – Probable Cause: Issuing Arrest Warrants
- Criminal Procedure (CP) – Title 4: Charging Procedures

Initial Appearances

- MR 4-213: Initial Appearance of Defendant
- MR 4-213.1: Appointment, Appearance or Waiver of Attorney at the IA
- MR 4-222: Juvenile Waivers
- MR 4-221: Preliminary Hearing

Pre-Trial Release Determinations

- MR 4-216 – Authority of Judicial Officers and Procedures
- MR 4-216.1 – Standards Governing Pre-Trial Release
- CP – Title 5: Pre-Trial Release Restrictions
- CP - Title 9: Fugitives/Extradition
- CP – Title 11: Pre-Trial Rights of Victims
- MR 2-217: Bail Bonds

Terms used in Pre-trial Release Decisions:

Determination of NO Probable Cause (PC)

- Warrantless Arrest only – Charge is NOT dismissed but is not considered in pre-trial release determination
- If no PC is found for all charges, the defendant must be released with no conditions.

Required conditions

- Defendant will not engage in any criminal conduct
- Defendant will appear for court when required to do so

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<http://mdcourts.gov/district/index.html>

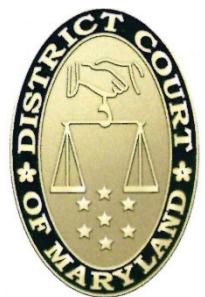
Special conditions

- Generally, any condition that will assure the defendant will appear for court and/or assure the safety of the defendant, alleged victim, another person or the community to extent appropriate and capable of implementation
- Conditions under CR 9-302, CR 9-303, CR 9-304, and CR 9-305 if issued can be separate charges if violated.
- Violations of other conditions can be grounds for revocation of release or grounds for further conditions in subsequent arrests in this case.
- Conditions may include, but are not limited to reasonable restrictions with respect to travel, association or residence; maintain or seek employment; maintain or commence education; reasonable curfew; refrain from possession of firearm, destructive devices, or other dangerous weapon; refrain from excessive use of alcohol, or use or possession of controlled dangerous substances; a requirement to undergo available treatment; electronic monitoring; pre-trial supervision by a pre-trial services, or execution of a bond.

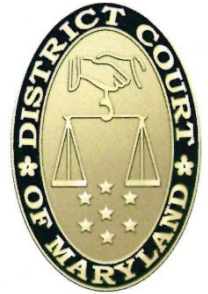
Type of Release

All the following may be imposed with or without additional special conditions.

- **Personal recognizance**
 - Defendant must agree to any special conditions
 - Defendant is released from custody after the Initial Appearance is complete, subject to any detainers
- **Unsecured Personal Bond (without collateral security)**
 - Defendant is released on a bond, but is not required to put up collateral to secure the release
 - If the defendant fails to appear, or violates any special condition, the bond amount is forfeited
 - Can require another person to execute the bond, thus being responsible for any forfeiture.
- **Held In Default of Bond (with collateral security)**
 - Bond amount set at a percentage collateral required to secure release – 10% to 100%
 - Any amount posted directly to the court is returned at the final disposition of the case
 - Percentage payable is only when posted in cash or certified check, but does not have to be by the defendant
 - If using corporate power or property to secure release, full penalty amount is required.
 - Corporate bond companies will charge a fee (usually 10% of the bond), and will post the full amount on behalf of the defendant in corporate power or property. Fee is to the company, not the court and is not refundable.



- **Held without Bond**
 - Statutory release restrictions under CP 5-202
 - Discretionary - Determination that no condition of release will assure the defendant's appearance in court or the safety of the defendant, the alleged victim, another person or the community
- **Bail Review** – any defendant still committed by the next court session will go before a judge for a review of the bail – representation is by the Public Defender's office for indigent defendants.



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