Process Profile

Maryland Circuit Court

Criminal

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Revision History

Identify document changes.

Version	*Date*	*Name*	*Description*
1.0	9/22/2009	Suzanne Bonniwell	Initial Draft
2.0	1/18/2010	Suzanne Bonniwell	Revised to include AS-IS process flow charts. Also included a cross reference to standard interfaces in the Interoperability Plan.

Significant Rules and Statutes

Identify rules and statutes that shape this process.

Rule or Statute	*Description*
Rule 2-311	Motions
Rule 2-508	Continuance.
Rule 4-211	Filing of charging document.
Rule 4-212	Issuance, service, and execution of summons or warrant.
Rule 4-213	Initial appearance of defendant.
Rule 4-214	Defense counsel
Rule 4-215	Waiver of counsel.
Rule 4-216	Pretrial release
Rule 4-216 j	Pretrial release.
Rule 4-217	Bail bonds.
Rule 4-242	Pleas
Rule 4-252	Motions in circuit court
Rule 4-271	Trial date
Rule 4-311	Trial by jury
Rule 4-312	Jury selection
Rule 4-342	Sentencing - Procedure in non-capital cases.
Rule 4-343	Sentencing - Procedure in capital cases.
Rule 4-344	Sentencing - Review
Rule 4-345	Sentencing - Revisory power of court.
Rule 4-347	Proceedings for revocation of probation
Rule 4-353	Costs
Rule 4-354a	Enforcement of money judgment
Rule 4-354b	Enforcement of money judgment
Rule 4-401	How commenced - Venue
Rule 4-402	Petition
Rule 4-403	Notice of petition
Rule 4-406	Hearing
Rule 7-112	Appeals heard de novo
Rule 8-204	Application for leave to appeal to Court of Special Appeals

Note: See abbreviations for Maryland Code articles as found in Michie's Annotated Code of Maryland, 2008 located in the appendix. These come from the Table of Abbreviations, located in the Index volumes.

Business Process Work Flow Diagrams

Maryland Electronic Court (MDEC) shall support Business Process Work Flows for the Maryland Courts Criminal court case management. This section presents the general AS-IS work flow diagrams. These include:

- Criminal – From Filing to Post Trial
- Criminal – FTA
- Criminal – Motion Practice

These process flows represent the AS-IS processes of what is currently happening in the courts. They will serve as a base line to the TO-BE automated processes

Legend of Diagram Shapes

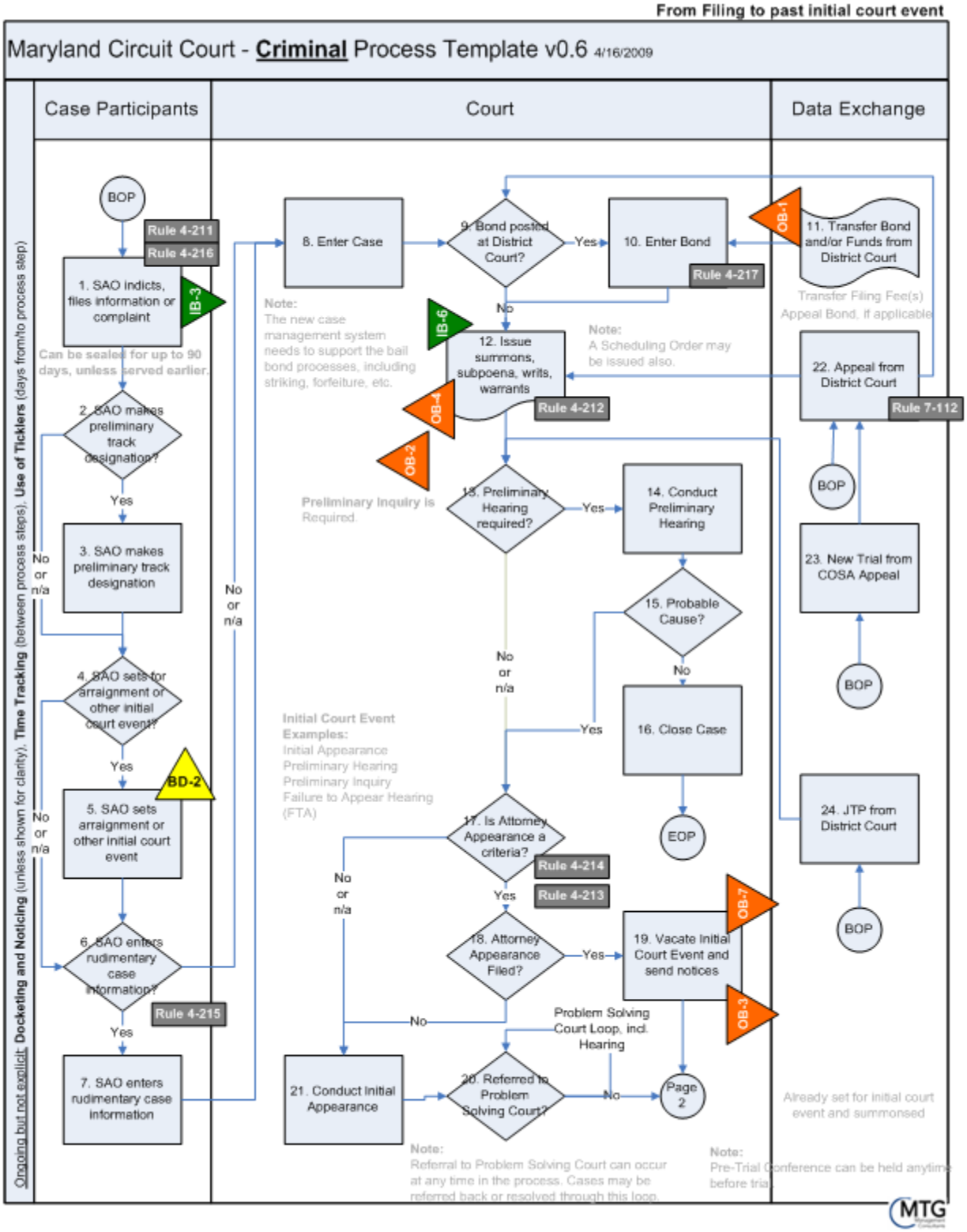
A description of each of the objects used to create the diagrams is listed below.

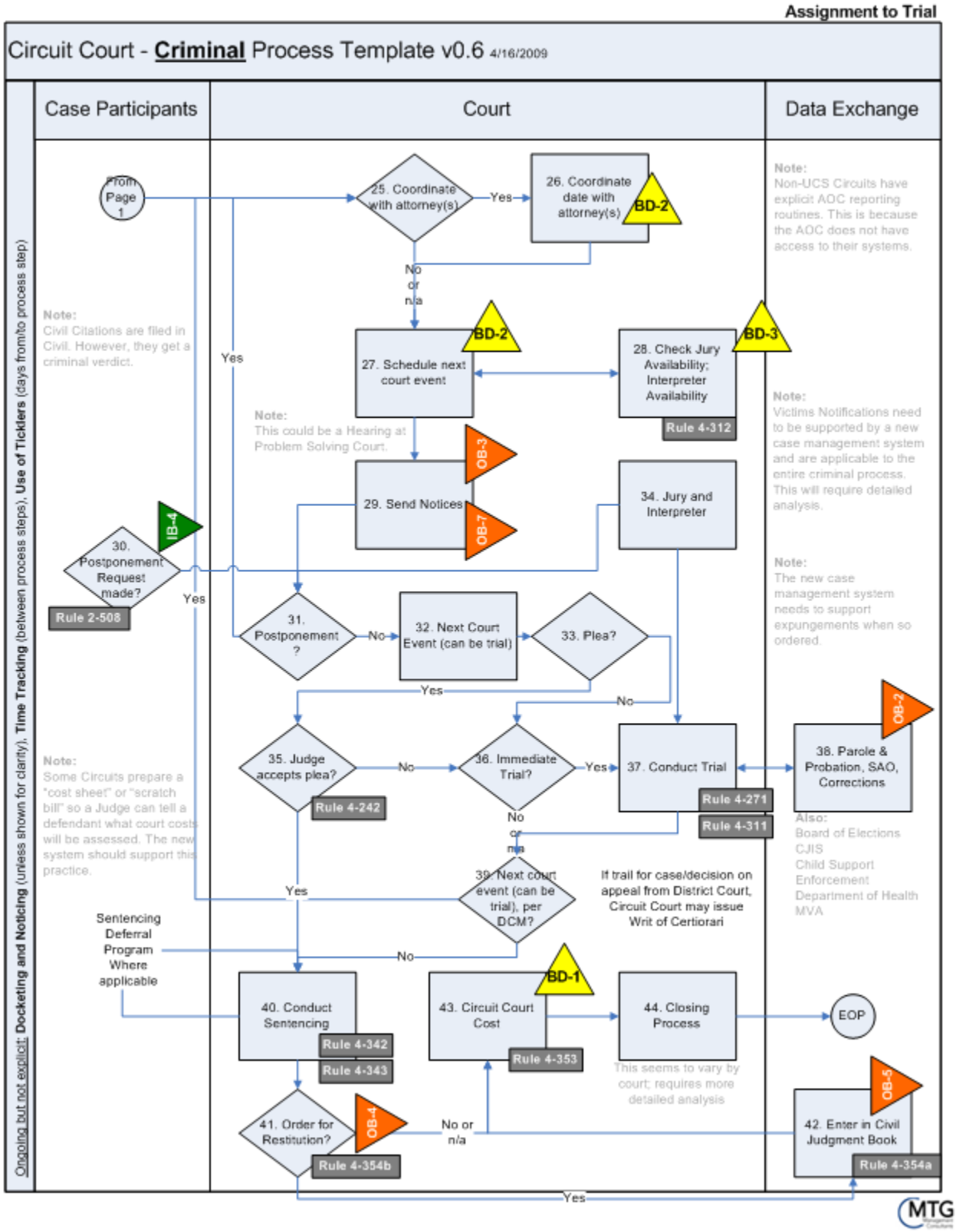
Shape	Description
BOP	Beginning of process.
EOP	End of process.
Page 3	An off page reference.
	A step in the process.
	A decision point.
	A Maryland Rule or Statute that applies to the step in the process.

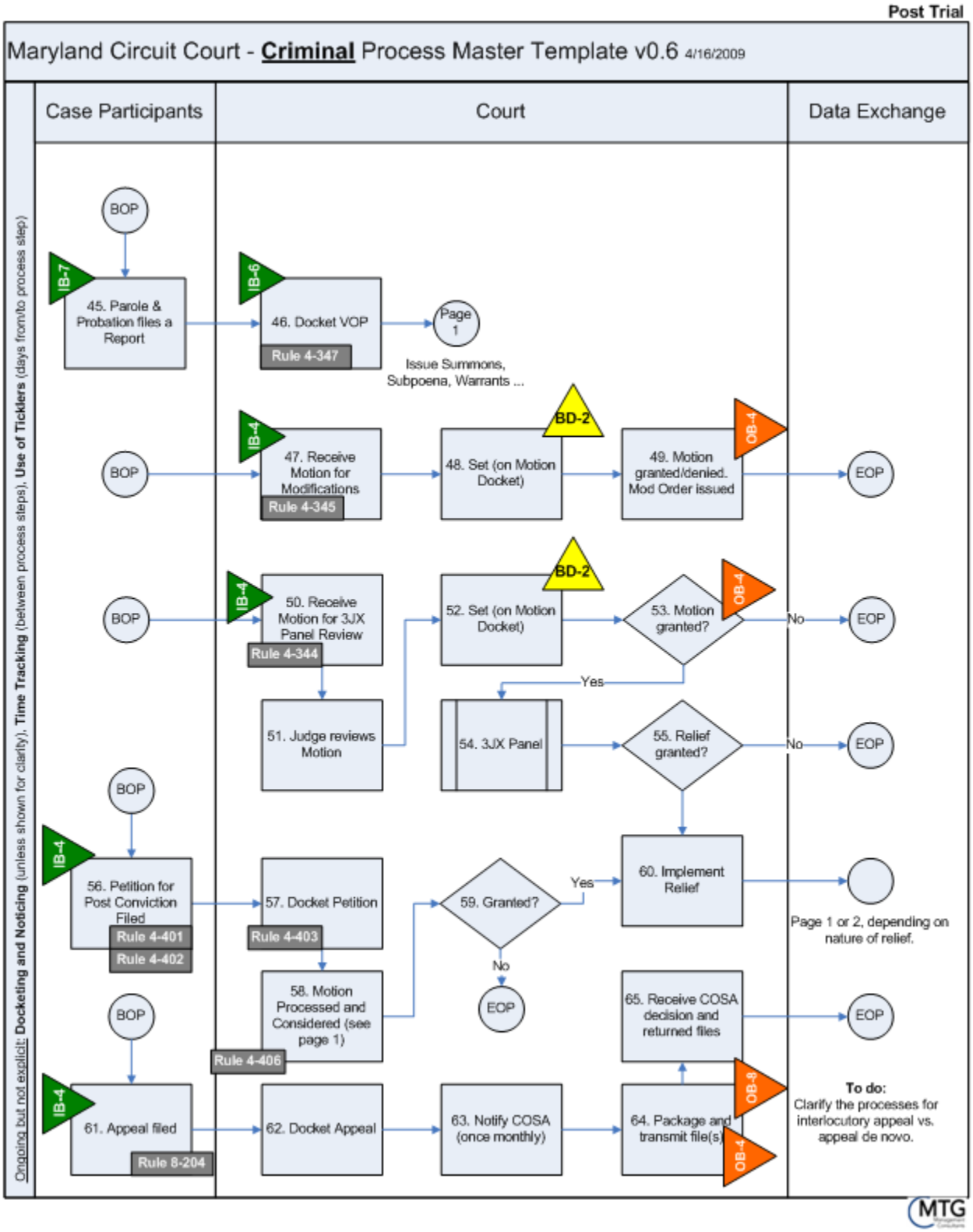
Shape	Description
	A predefined process that consists of multiple steps documented elsewhere.
	A document.
	An inbound interface. These are further described in the Interface Traceability section of this document.
	An outbound interface. These are further described in the Interface Traceability section of this document.
	A bidirectional interface. These are further described in the Interface Traceability section of this document.

Criminal – From Filing to Post Trial

The following diagrams apply to Criminal cases.

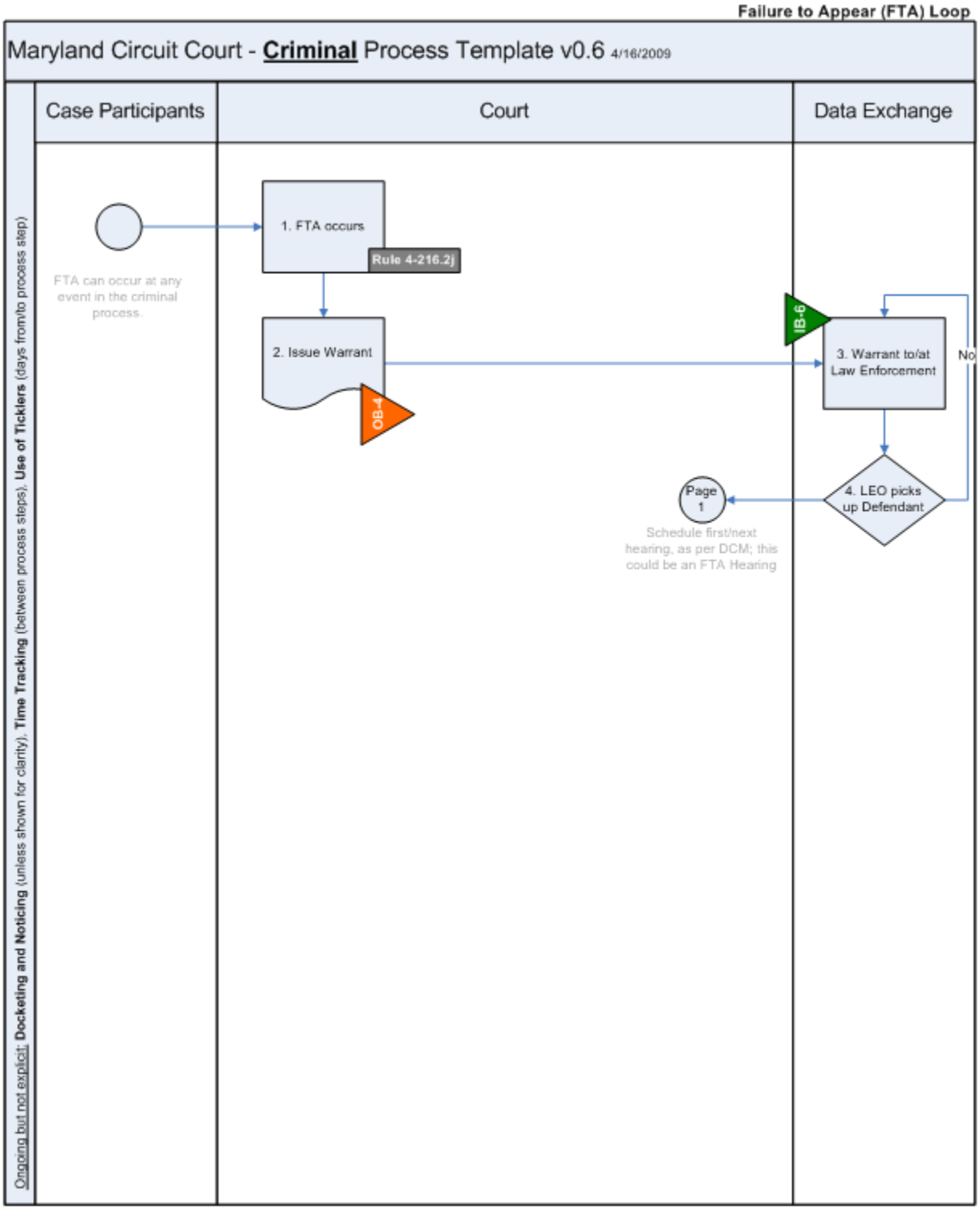



Assignment to Trial
Circuit Court - Criminal Process Template v0.6 4/16/2009
Ongoing but not explicit: Docketing and Noticing (unless shown for clarity), Time Tracking (between process steps), Use of Ticklers (days from/to process step)
Case Participants
Court
Data Exchange
From Page 1
25. Coordinate with attorney(s)
Yes
26. Coordinate date with attorney(s)
BD-2
No or n/a
27. Schedule next court event
BD-2
28. Check Jury Availability; Interpreter Availability
BD-3
Rule 4-312
Note: Civil Citations are filed in Civil. However, they get a criminal verdict.
Yes
Note: This could be a Hearing at Problem Solving Court.
29. Send Notices
OB-3
OB-7
34. Jury and Interpreter
IB-4
30. Postponement Request made?
Rule 2-508
Yes
31. Postponement ?
No
32. Next Court Event (can be trial)
33. Plea?
Yes
No
35. Judge accepts plea?
Rule 4-242
No
36. Immediate Trial?
Yes
37. Conduct Trial
Rule 4-271
Rule 4-311
38. Parole & Probation, SAO, Corrections
OB-2
Also: Board of Elections CJIS Child Support Enforcement Department of Health MVA
Note: Some Circuits prepare a "cost sheet" or "scratch bill" so a Judge can tell a defendant what court costs will be assessed. The new system should support this practice.
No or n/a
39. Next court event (can be trial), per DCM?
Yes
If trail for case/decision on appeal from District Court, Circuit Court may issue Writ of Certiorari
Sentencing Deferral Program Where applicable
No
40. Conduct Sentencing
Rule 4-342
Rule 4-343
43. Circuit Court Cost
BD-1
Rule 4-353
44. Closing Process
This seems to vary by court; requires more detailed analysis
EOP
41. Order for Restitution?
OB-4
Rule 4-354b
No or n/a
42. Enter in Civil Judgment Book
OB-5
Rule 4-354a
Yes
Note: Non-UCS Circuits have explicit AOC reporting routines. This is because the AOC does not have access to their systems.
Note: Victims Notifications need to be supported by a new case management system and are applicable to the entire criminal process. This will require detailed analysis.
Note: The new case management system needs to support expungements when so ordered.
MTG


Post Trial
Maryland Circuit Court - Criminal Process Master Template v0.6 4/16/2009
Case Participants
Court
Data Exchange
Ongoing but not explicit: Docketing and Noticing (unless shown for clarity), Time Tracking (between process steps), Use of Ticklers (days from/to process step)
BOP
IB-7
45. Parole & Probation files a Report
IB-6
46. Docket VOP
Rule 4-347
Page 1
Issue Summons, Subpoena, Warrants ...
BOP
IB-4
47. Receive Motion for Modifications
Rule 4-345
BD-2
48. Set (on Motion Docket)
OB-4
49. Motion granted/denied. Mod Order issued
EOP
BOP
IB-4
50. Receive Motion for 3JX Panel Review
Rule 4-344
51. Judge reviews Motion
BD-2
52. Set (on Motion Docket)
OB-4
53. Motion granted?
No
EOP
Yes
54. 3JX Panel
55. Relief granted?
No
EOP
BOP
IB-4
56. Petition for Post Conviction Filed
Rule 4-401
Rule 4-402
57. Docket Petition
Rule 4-403
58. Motion Processed and Considered (see page 1)
Rule 4-406
59. Granted?
Yes
No
EOP
60. Implement Relief
Page 1 or 2, depending on nature of relief.
65. Receive COSA decision and returned files
EOP
BOP
IB-4
61. Appeal filed
Rule 8-204
62. Docket Appeal
63. Notify COSA (once monthly)
64. Package and transmit file(s)
OB-8
OB-4
To do:
Clarify the processes for interlocutory appeal vs. appeal de novo.
MTG

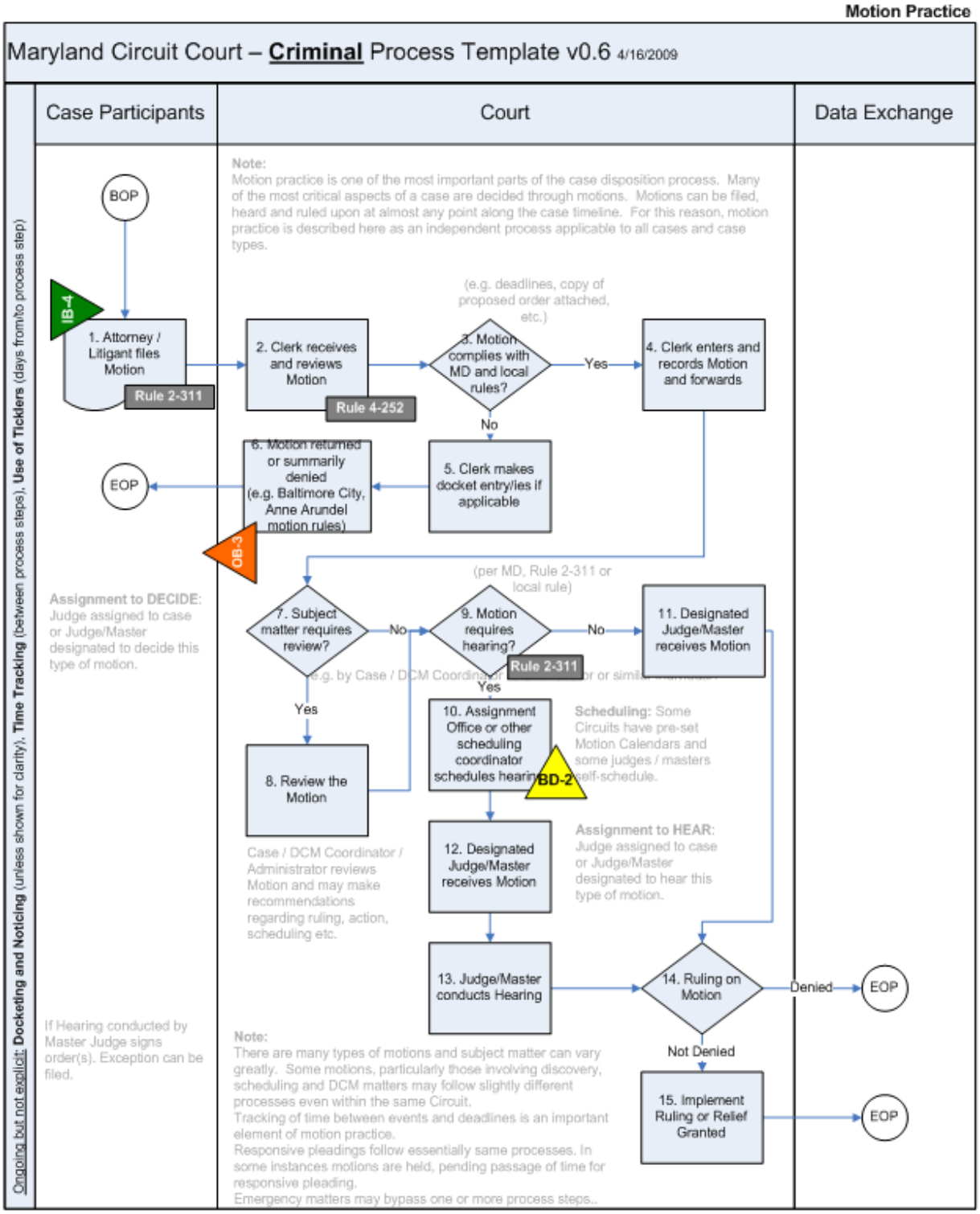
Criminal – FTA

The following diagrams apply to Criminal - FTA.



Criminal – Motion Practice

The following diagrams apply to Criminal – Motion Practice.



Interfaces

The Criminal processes involve several information exchanges with external parties. The process flow diagrams preceding this section include notations that identify where each of these exchanges occur. MDEC will provide standard automated interfaces to support these exchanges. These interfaces have been described in the Interoperability Plan. The standard automated interfaces involved in Criminal processes have been represented in the table below.

	Inbound Interfaces							***Outbound Interfaces***									***Bidirectional Interfaces***		
Interface Description	Cashiering	Booking	Criminal Charging Documents	Requests and Petitions	Citations	Affidavits	Reports and Notices to the Court	Disbursement	Writ List	Event Notifications	Order Detail	Judgments	Motor Vehicle Abstracts	Victim Notification	Case Detail	Archive	Collections	Scheduled Event	Jury Pool
Process Annotation Code	**IB-1**	**IB-2**	**IB-3**	**IB-4**	**IB-5**	**IB-6**	**IB-7**	**OB-1**	**OB-2**	**OB-3**	**OB-4**	**OB-5**	**OB-6**	**OB-7**	**OB-8**	**OB-9**	**BD-1**	**BD-2**	**BD-3**
Circuit Court																			
Criminal Process -From Filing to past initial court event			**IB-3**			**IB-6**		**OB-1**	**OB-2**	**OB-3**	**OB-4**							**BD-2**	**BD-3**
Criminal Process -Assignment to Trial				**IB-4**					**OB-2**	**OB-3**	**OB-4**	**OB-5**		**OB-7**			**BD-1**	**BD-2**	**BD-3**
Criminal Process -Post Trial				**IB-4**		**IB-6**	**IB-7**				**OB-4**				**OB-8**				
Criminal Process -Failure to Appear (FTA) Loop						**IB-6**					**OB-4**								
Criminal Process -Motion Practice				**IB-4**						**OB-3**								**BD-2**	

Time Standards

Identify the case time standards for this case category.

Case Type: *Criminal* ***Time Standard:*** *6 Months* ***Performance Goal:*** *98%*

Case Time Start	Case Time Suspension		Case Time Stop	Additional Measures
	Suspend	Re-Start		
First of either two dates: First Court Appearance of Defendant, or Entry of Appearance by Counsel (Rule 4-271) Date should reflect the Hicks starting date.	FTA/Bench Warrant Issue	Warrant Service Date	Disposition Guilty Plea or Verdict Date Verdict Date for: NG STET Probation before Judgment NP Reverse Waiver Granted Found 'Not Criminally Responsible[1]	Arrest/Service of Summons or Citation Date to Filing in Circuit Court Filing to First Appearance Appeal Verdict Date to Sentence Date
	Mistrial Date	Retrial Date		
	NCR Evaluation Order Date	NCR Finding Date.		
	Petition for Reverse Waiver Date	Reverse Waiver Decision (Denied/Granted) Date		
	Incompetency Evaluation Order Date	Not Incompetent Finding Date		
	PSI Order Date	Receipt of PSI Report Date		
	Pre-Sentence Treatment Program Order Date	(Un)Successful Completion of Presentence Treatment Program Date		
	Interlocutory Appeal Filing Date	Interlocutory Appeal Decision (Mandate) Filed Date		
	Military Leave Date	Military Return Date		
	Pre-Trial Treatment Program Order Date	Conclusion of Pre-Trial Treatment Program		
	Postponement Due to DNA/Forensic Evidence	Receipt of DNA/Forensic Evidence		
	Date of Court Order for Psychological Evaluation	Date the Psychological Evaluation was received by the Court		

Note: If a suspension begins sometime between the case start and stop date, and the case ends via dismissal or Nolle Pros (prior to obtaining the suspension end date), the suspension time is calculated from suspension begin to dismissal or Nolle Pros date (i.e., case stop date). Further, if a suspension event begins prior to case start and ends sometime between case start and case stop, the suspension time will begin at the case start date and end at the suspension end date.

[1] For URESA cases, use the filing date as both service and answer date. Also, use the consent date as the answer date when consents are filed with no answer. For Name Change cases, use the affidavit of publication service date or the show cause date as the answer date when no objection was filed.

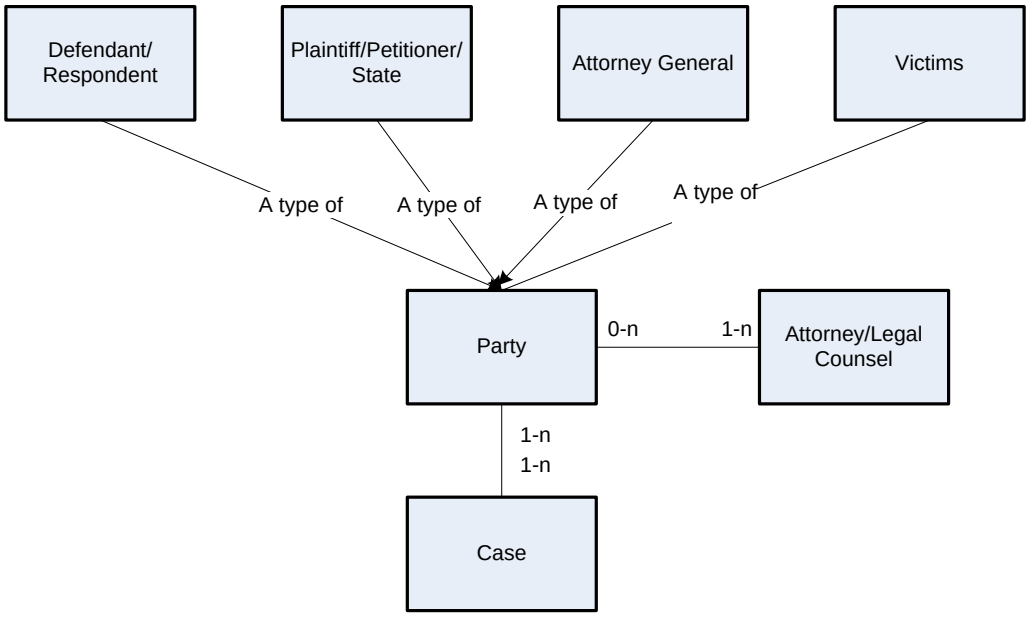
Information Building Block Entities

Identify the significant entities (people, organizations, documents, events, and other artifacts) that play a role in the processing of this case type.

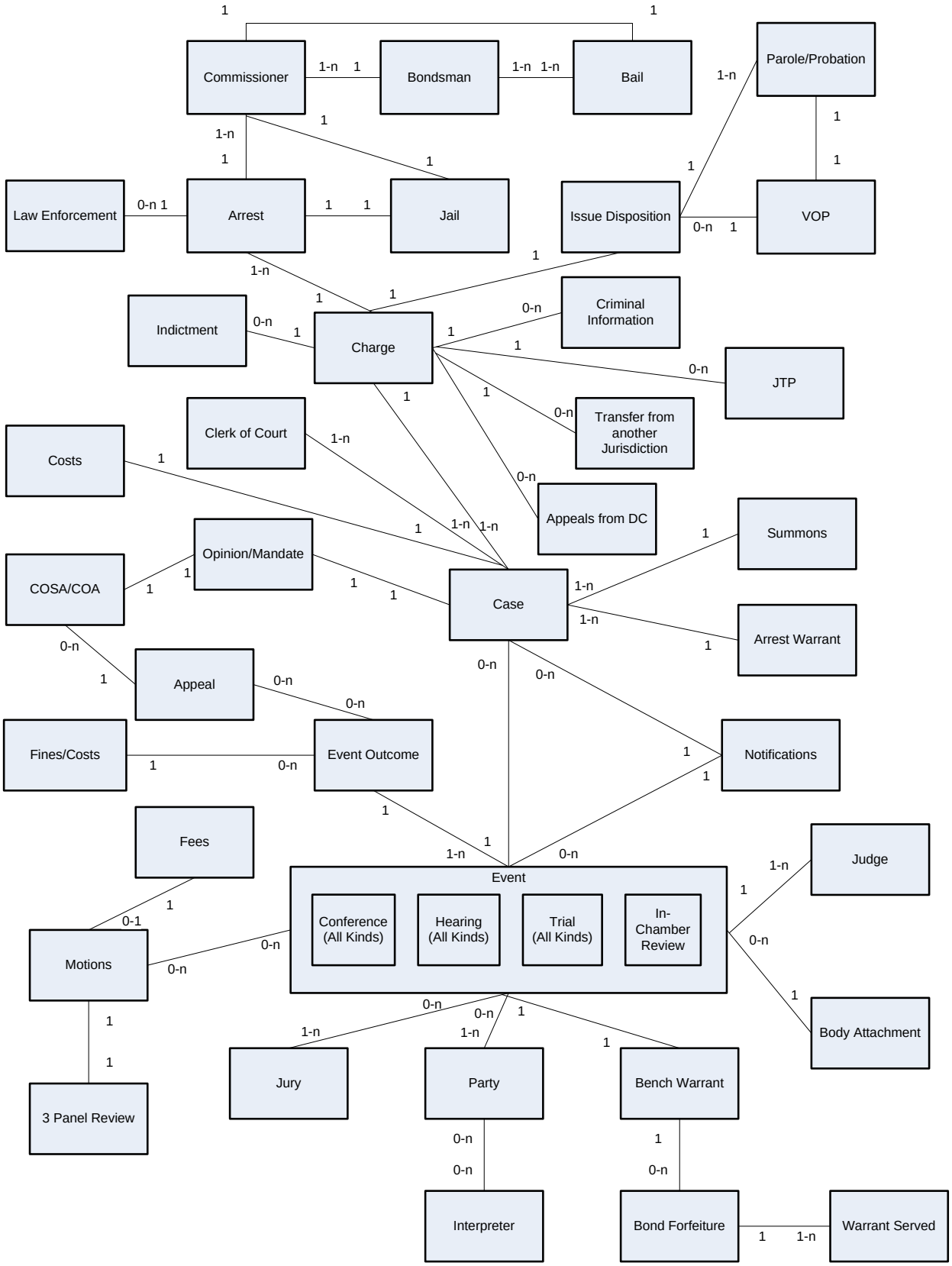
- Plaintiff/Petitioner/State
- Self Represented Litigant
- Defendant/Respondent
- Attorney/Legal Counsel
- Judge
- Master
- Clerk of Court
- Interpreters
- Attorney General
- Commissioner
- State's Attorney
- Witness
- Victims
- 3 Judge Panel Review
- Appeal
- Appeals from DC
- Arrest
- Bail
- Bond Forfeiture
- Bondsman
- Charges/Issue
- Charging Document
- Citation/Ticket
- Clerk of Court
- Conference (All Kinds)
- COSA/COA
- Criminal Information
- Documents
- Evaluation
- Fees
- Fines/Costs
- Hearing (All Kinds)
- Internal/ External Agency
- Issue Disposition
- Jails
- JTP
- Jury
- Law Enforcement (Sheriff)
- Motions
- Notifications
- Opinion/Mandate
- Order (All Kinds)
- Parole & Probation
- Petition
- Post Conviction
- Post Judgment
- PSI
- Publications
- Ruling on Motion
- Summons
- Trial (All Kinds)
- Warrant (Arrest/Bench)

Information Building Blocks Diagrams

The following information map illustrates the parties involved in **Criminal** cases. It is assumed that the relationships Case, Parties, Events have already been identified in the Global Information Blocks.



The following information map illustrates the information building blocks relate to the case for **Criminal** cases.



Information Building Relationships

Identify all relationships between the entities.

Related Building Blocks	*Description*
Case - Party	A **Case** may have one to many **Parties**. There are several types of **Parties**: **Plaintiff/Petitioner/State**, **Defendant/Respondent**, **Attorney General**, **and/or Victims**. A **Party** can be related to one to many **Cases**.
Party - Attorney/Legal Counsel	There can by zero to many **Attorney/Legal Counsel** for each **Party**. An **Attorney/Legal Counsel** can have one to many **Parties**. If there is zero **Attorney/Legal Counsel**, the **Party** is a **Self Represented Litigant**.
Arrest – Law Enforcement	**Law Enforcement** can have zero to many **Arrests**. An **Arrest** can only be made by one **Law Enforcement**.
Arrest – Jail	An **Arrest** can only be sent to one **Jail**.
Arrest - Commissioner	A **Commissioner** can be related to one to many **Arrests**. An **Arrest** can be related to only one **Commissioner**.
Commissioner - Bondsman	A **Commissioner** can be related to one to many **Bondsmen**. A **Bondsman** can be related to only one **Commissioner**.
Bondsman - Bail	A **Bail** can be made by one to many **Bondsmen**. A **Bondsman** can post one to many **Bails**.
Commissioner - Bail	A **Commissioner** may only set one **Bail**. A **Bail** is related to only one **Commissioner**.
Case – Summons	A **Case** has one to many **Summonses**. A **Summons** can be related to only one **Case**.
Case – Arrest Warrant	A **Case** has one to many **Arrest Warrants**. An **Arrest Warrant** can be related to only one **Case**.
Case –Charge	A **Case** can consist of one to many **Charges**. A **Charge** can only be related to one **Case**.
Case – Notifications	A **Case** can consist of zero to many **Notifications**. A **Notification** can only be related to one **Case**.
Case - Cost	A **Case** has one **Cost**. A **Cost** can be related to only one **Case**.
Notifications - Event	An **Event** can have zero to many **Notifications**. A **Notification** can be related to one **Event**.
Charge – Criminal Information	There can be zero to many **Charges** on a **Criminal Information** form. A **Charge** can be related to only one **Criminal Information** form.
Charge – JTP	There can be zero to many **Charges** on a **JTP**. A **Charge** can be related to only one **JTP**.
Charge – Appeals from DC	There can be zero to many **Charges** on an **Appeal from DC**. A **Charge** can be related to only one **Appeal from DC**.
Charge – Transfer from another Jurisdiction	There can be zero to many **Charges** on a **Transfer from another Jurisdiction**. A **Charge** can be related to only one **Transfer from another Jurisdiction**.

Related Building Blocks	*Description*
Charge - Indictment	There can be zero to many **Charges** on an **Indictment**. A **Charge** can be related to only one **Indictment**.
Charge - Arrest	An **Arrest** can be for one to many **Charges**. A **Charge** can be related to only one **Arrest**.
Charge – Issue Disposition	An **Issue Disposition** can be for one **Charge**. A **Charge** can be related to only one **Issue Disposition**.
Issue Disposition - VOP	An **Issue Disposition** can be related to zero to many **VOP**. A **VOP** can be related to only one **Issue Disposition.**
Issue Disposition – Parole/ Probation	An **Issue Disposition** can be related to one **Parole/ Probation**. A **Parole/ Probation** can be related to one to many **Issue Dispositions.**
VOP – Parole/ Probation	A **VOP** can be related to one **Parole/ Probation**. A **Parole/ Probation** can be related to one **VOP.**
Case – Clerk of Court	A **Case** can have one to many **Clerk of Court**(s). A **Clerk of Court** can have one to many **Cases**.
Event – Event Outcome	Each **Event** can have one to many **Event Outcomes**. An **Event Outcome** can apply to only one **Event**.
Event Outcome – Appeal	An **Event Outcome** can trigger zero to many **Appeals**. An **Appea**l can be related to zero to many **Event Outcomes**.
Event Outcome – Fines/Costs	An **Event Outcome** can have zero to many **Fines/Costs**. A **Fines/Costs** can be related to only one **Event Outcome**.
Appeal – COSA/COA	An **Appeal** can be related to only one **COSA/COA**. A **COSA/COA** can be related to zero to many **Appeals.**
COSA/COA – Opinion/Mandate	A **COSA/COA** can issue only one **Opinion/Mandate**. An **Opinion/Mandate** can be related to only one **COSA/COA.**
Opinion/Mandate - Case	An **Opinion/Mandate** can be related to only one **Case**. A **Case** can be related to one **Opinion/Mandate.**
Event - Judge	A **Judge** can be related to one to many **Events**. An **Event** can have only one **Judge**.
Case – Event	Each **Case** can have zero to many **Events**. Note: In this line of business this applies to all events (Conference, Hearing, and Trial). This document will address events that may require specific or specialized handling.
Event - Motion	An **Event** can be related to zero to many **Motions** A **Motions** can only be related to zero to many **Event**. Note: Most agree that Motions do not use events. They are tickles for the judge to review and decide to rule or have a motions hearing. In addition, there is some confusion with the use of the work Event. They agree that event would encompass Conference, Hearing, or Trial. However, the majority are other “Actions.”

Related Building Blocks	*Description*
Motion - Fees	A **Motion** can be related to zero to many **Fees**. A **Fee** can be related to only one **Motion**.
Motion – 3 Panel Review	A **Motion** can be related to one **3 Panel Review**. A **3 Panel Review** can be related to only one **Motion**.
Event - Jury	An **Event** can be related to zero to many **Juries** A **Jury** can only be related to one to many **Events**.
Event - Party	An **Event** can be related to zero to many **Parties** A **Party** can only be related to one to many **Events**.
Party – Interpreter	An **Interpreter** can be related to zero to many **Parties** A **Party** can only be related to zero to many **Interpreters**.
Event – Bench Warrant	An **Event** can be related to one **Bench Warrant** A **Bench Warrant** can only be related to one **Event**.
Event – Body Attachment	An **Event** can be related to zero to many **Body Attachments.** A **Body Attachment** can only be related to one **Event**.
Bench Warrant – Bond Forfeiture	A **Bench Warrant** can be related to one **Bond Forfeiture** A **Bond Forfeiture** can only be related to zero to many **Bench Warrants**.
Bond Forfeiture – Warrant Served	A **Bond Forfeiture** can be related to one **Warrant Served.** A **Warrant Served** can only be related to one to many **Bond Forfeitures**.

Candidates for Automation – Changes for Criminal

The following table presents modifications, additions, or replacements to the existing automated systems that support Criminal case processing.

Number	Item	Current Process	Future Process	Automation
1	Reporting	Non-UCS Circuits have explicit AOC reporting routines. This is because the AOC does not have access to their systems.	Process is no longer needed.	Provide AOC access to Non-UCS Circuit Court systems.
2	Case Initiation and Indexing	There is no interface between the DC traffic mainframe (for MVA) and the case information in the UCS traffic related charge dispositions. Users must enter the same disposition information in both systems.	Enter case disposition information in case management system. Case management system sends a regular update to the DC traffic mainframe for MVA.	Create interface between case management system and DC traffic mainframe to update case disposition information on a periodic basis.
3	Reporting	There is no interface between the Board of Elections and the case information in the UCS system. Users must send case information to the Board of Elections manually.	Enter case disposition information in case management system. Case management system sends a regular update to the Board of Elections.	Create interface between case management system and Board of Elections to send case information on a periodic basis.
4	Reporting	There is no interface between the CJIS and the case information in the UCS system. Users must send case information to the CJIS manually.	Enter case disposition information in case management system. Case management system sends a regular update to the CJIS.	Create interface between case management system and CJIS to send case information on a periodic basis.
5	Reporting	There is no interface between the Child Support Enforcement and the case information in the UCS system. Users must send case information to the Child Support Enforcement manually.	Enter case disposition information in case management system. Case management system sends a regular update to the Child Support Enforcement.	Create interface between case management system and Child Support Enforcement to send case information on a periodic basis.

Number	Item	Current Process	Future Process	Automation
6	Reporting	There is no interface between the Department of Health and the case information in the UCS system. Users must send case information to the Department of Health manually.	Enter case disposition information in case management system. Case management system sends a regular update to the Department of Health.	Create interface between case management system and Department of Health to send case information on a periodic basis.
7	Hearing	There is no interface between the Parole & Probation and the UCS system to coordinate information to parole and probation and reports from Parole & Probation.	Enter case disposition information in case management system. Case management system sends a regular update to the Parole & Probation. Parole & Probation submits VOP report electronically.	Create interface between case management system and Parole & Probation to send case information on a periodic basis and receive VOP report electronically.
8	Hearing	There is no interface between the Corrections and the UCS system to coordinate defendant's appearances.	Enter case disposition information in case management system. Case management system sends a schedule to Corrections.	Create interface between case management system and Corrections to send case schedule information on a periodic basis.
9	Hearing	There is no interface between the SAO and the UCS system to coordinate trial information.	Enter case disposition information in case management system. Case management system sends a regular update to the SAO.	Create interface between case management system and SAO to send case information on a periodic basis or provide SAO access to limited information in case management system.
10	Hearing	There is no interface between the SAO and the UCS system to coordinate trial information.	Enter case disposition information in case management system. Case management system sends a regular update to the Parole & Probation.	Create interface between case management system and Parole & Probation to send case information on a periodic basis.

Number	Item	Current Process	Future Process	Automation
11	General Accounting	Clerk receives summons to be forwarded to Sherriff/Constable for service. The clerk prepares summons, transmittal and sends to sheriff/constable for service. Sherriff serves the summons and sends return of service to the court.	Enter summons request in the system, The system transmits the funds to the sheriff/constable's office. The sheriff/constable serves the summons and electronically sends the return of service.	Create interface with sheriff/constable office to transmit service requests and electronically transmit fees for service.

Site Specific Variations

Identify any known site specific variations to this process.

Site	Process Step	Specific Variation

Appendix A - Abbreviations for Maryland Code Articles

Abbreviation	*Description*
AG	Agricultural Article
BOP	Business Occupations and Professions Article
BR	Business Regulation Article
CA	Corporations and Associations Article
CJ	Courts and Judicial Proceedings Article
CL	Commercial Law Article
COR	Correctional Services Article
CP	Criminal Procedure Article
CR	Criminal Law Article
EC	Economic Development Article
ED	Education Article
EL	Election Law Article
EN	Environment Article
ET	Estates and Trusts Article
FI	Financial Institutions Article
FL	Family Law Article
HG	Health-General Article
HO	Health occupations Article
HS	Housing and Community Development Article
HU	Human Services Article
IN	Insurance Article
LE	Labor and Employment Article
NR	Natural Resources Article
PS	Public Safety Article
PUC	Public Utility Article
RP	Real Property Article
SF	State Finance and Procurement Article
SG	State Government Article
SPP	State Personnel and Pensions Article
TG	Tax-General Article
TP	Tax-Property Article
TR	Transportation Article