

ST. MARY'S COUNTY CIRCUIT COURT

Criminal Differentiated Case Management Plan

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Criminal Differentiated Case Management Plan

This Criminal Differentiated Case Management (DCM) Plan is established in accordance with Maryland Rule 16-302(b)(1)(A) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of cases filed in the circuit court.

Statement of Purpose

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction¹).

It is the purpose of this DCM Plan to provide an effective case management system that will assure:

1. Equal treatment of all litigants by the Court;
2. Timely disposition of cases consistent with circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the court as an institution.

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional Requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that all criminal cases, jury and non-jury, be concluded within 180 days of the date of first appearance of the defendant or his/her counsel, whichever is earlier. In order to achieve this goal, the Circuit Court is committed to resolving different categories of cases within a regular and predictable time frame as warranted by the needs of those cases. For simpler and many typical cases, the time frame may be shorter than 180 days.

Case Type Summary

The DCM plan for criminal casetypes includes both felony and misdemeanor cases. Felony cases typically originate in the District Court and are filed as an indictment or information report in the circuit court by the State's Attorney. Misdemeanor cases are predominately heard in the District Court and are transferred to circuit court when a defendant prays a jury trial, or an appeal is requested from the District Court decision. A jury trial may be requested by a defendant for any case involving charges carrying a penalty of a least 90 days incarceration at any state of the process, up to, and including the date of trial in the District Court.

Criminal Tracks

A criminal case may follow one of four tracks to resolution. Tracks define expected case processing events, the timing of events, assignment, and case duration. The caseload time standard goal is for 98% of the cases to be disposed of within 180 days from the first court appearance of the defendant, or the entry of appearance by counsel.

Disposition may include a guilty plea, guilty verdict, not guilty verdict, STET, or entry of *nolle prosequi*. Disposition does not include sentencing for guilty pleas or verdicts. Sentencing may occur on the same day as the guilty plea or verdict, or it may be postponed to conduct a pre-sentence investigation, or for other reasons appropriate for the particular case.

Assignment Office Scheduling

Upon receipt by the Assignment Office of a case for scheduling, the case shall be assigned to a track. Track 1 cases are jury trial prayers and District Court appeals. Track 2 cases are non-violent felonies wherein the State's Attorney's Office and the defendant are each entitled to four peremptory jury challenges. Track 3 cases are felony charges, wherein the defendant's exposure is imprisonment for 20 years or more, but less than life imprisonment. In these cases, the State's Attorney's Office is entitled to five peremptory juror challenges, and the defendant is entitled to 10 peremptory jury challenges. Track 4 cases are violent felonies, such as murder and rape, wherein the defendant's exposure is life imprisonment. In these cases, the State's Attorney's Office is entitled to 10 peremptory jury challenges, and the defendant is entitled to 20 peremptory jury challenges.

CRIMINAL TRACK CHARTS

Track 1 – Jury Trial Prayers, District Court Appeals

Event	Timing
Initial Appearance/Arraignment/ Docket Call MUST APPEAR Plea may be taken	Defendant is served with a summons for this date while still in District Court
Trial	To be set at docket call – to be within 30 days thereafter.
Sentencing	Same day as plea or verdict, unless reason to extend, up to 60 days.

Track 2 – Non-Violent Felony Cases

Event	Timing
Initial Appearance/Arraignment/ Docket Call MUST APPEAR Plea may be taken	First Appearance by Defendant
Motions Hearing	Set prior to next docket call
Second Docket Call Plea May Be Taken	No more than 90 days from Initial Appearance
Trial	Within 30 days from Second Docket Call
Sentencing	Same day as plea or verdict, unless reason to extend, up to 60 days.

Track 3 – Felony Cases

Event	Timing
Initial Appearance/Arraignment/ Docket Call MUST APPEAR Plea may be taken	First Appearance by Defendant
Motions Hearing	Set prior to next docket call
Second Docket Call Plea may be taken	No more than 90 days from Initial Appearance
Trial	Within 30 days from Second Docket Call
Sentencing	Same day as plea or verdict, unless reason to extend, up to 60 days.

Track 4 – Complex Cases

Event	Timing
Initial Appearance/Arraignment MUST APPEAR	First Appearance by Defendant
Status Hearing	Within 60 days from Initial Appearance
Motions Hearing	Within 90 days from Initial Appearance
Plea	May be taken at any time prior to Start of trial
Trial	Approximately 100-120 days from Initial Appearance
Sentencing	Same day as plea or verdict, unless reason to extend, up to 60 days.

Initial Appearance/Arraignment

An initial appearance/arraignment is required in circuit court when a defendant has been arrested on a warrant and brought directly to circuit court, or appears following the issuance of a summons by the Court, or the District Court in the case of jury trial prayers or appeals. The purpose of the initial appearance/arraignment is to:

1. Inform the defendant of charges and potential penalties;
2. Advise the defendant of the right to counsel and provide a referral to the Office of the Public Defender, if requested; and
3. Ensure the defendant has a copy of the charging document.

The defendant must appear at the Initial Appearance/Arraignment if unrepresented. However, in certain circumstances, defense counsel, upon entry of his or her appearance may waive formal arraignment of the defendant. The waiving of arraignment by defense counsel must be done in writing.

Status Hearing

Track 4 – Complex Cases are set for a status hearing to determine any unresolved issues, such as discovery and/or pending motions, and to determine if there are any plea negotiations.

Discovery

The State must provide discovery, per Md. Rule 4-263(h)(1), within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the Court. Per Md. Rule 4-263(a)(2), the defense must provide discovery no later than 30 days before the first scheduled trial date except for the assertion of a defense of duress, which shall be made at least 10 days before the first scheduled trial date.

Motions

Upon the filing of motions by defense counsel, and the response thereto by the State, or the expiration of the response time, a motions hearing will be set by the Assignment Office, prior to the docket call date. In Track 4 cases, motions dates will be set at the same time as all other dates are set. Counsel must notify the Court if a motions date has not been set and is needed in sufficient time to schedule the same prior to trial. If a motions date has been set and becomes unnecessary, counsel must notify the court immediately. Motions in limine must be filed sufficiently ahead of the trial date to allow for a

hearing date prior to the trial date to be scheduled. Failure to do so will result in said motion not being heard separately from the trial and will be addressed as its issues arise during the trial.

Pleas Prior to Jury Trial Date

If the parties have reached a plea agreement prior to the date a jury trial is scheduled, the Defendant must waive his/her right to a jury trial and place his/her plea on the record no later than 2:00 p.m. on the day before the jury is ordered, so as to eliminate the need for calling in a jury the following day.

Sentencing

Sentencing may take place immediately following the entry of the plea or verdict of guilty. If a pre-sentence investigation (PSI) is ordered, the sentencing will be set upon receipt thereof.

Post-Judgment

All violation of probation hearings and any other post-judgment hearings will be scheduled as directed by the trial judge.

Postponements

1. Policy

The policies outlined herein are developed to eliminate the need for requests to postpone court events and to adhere to case time standards.

Requests for postponements must be in writing and, regardless of the type of hearing, be made in the form of a Motion, prior to the hearing sought to be postponed. The motion must include specific reasons for the request, the opposing party's position on the postponement (if possible), a proposed order, and proposed new hearing/trial dates that have been cleared through the Assignment Office. The Court will grant postponements only for good cause shown, and will evaluate, on a case-by-case basis, whether or not sufficient cause justifies a postponement. As a guide for practitioners, the Court does not generally consider the following reasons as sufficient cause to grant a postponement:

- a. Counsel or the parties agree to a postponement, without providing a specific need for same;

- b. The case has not previously been postponed;
- c. Counsel or the parties have not completed discovery;
- d. New counsel has entered an appearance or a party wants to retain new counsel;
- e. Unavailability of a witness who has not been subpoenaed; or
- f. A party or counsel is unprepared to try the case for reasons, including but not limited to, the party's failure to maintain necessary contact with counsel.

Generally, the Court will consider the following as good cause to grant a postponement:

- a. Sudden medical emergency or death of a party, counsel, or material witness who has been subpoenaed;
- b. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the court, would likely cause undue hardship or possibly miscarriage of justice if the trial were required to proceed as scheduled; such circumstances must not have been discoverable previously.

Should a conflict in assignment dates arise once counsel agrees to scheduled hearing dates, counsel shall make every effort to obtain the presence of another attorney to act in the case before requesting a postponement, which may not be granted.

2. Procedures

a. Authority to Grant Postponements

The County Administrative Judge, or the judge specially assigned by the administrative judge to grant criminal continuances, shall consider requests to postpone a trial.

If a case is assigned to a judge who is not the administrative judge or the judge assigned to grant criminal continuances, that judge will consult with one of the two judges authorized to grant continuances. If agreed, the authorized judge shall grant the

continuance and assign a new date to the case, consistent with these time standards. The Assignment Office must clear the dates for the re-scheduling of all cases.

c. Violations of Probation, Sentencings, and Other Post-Judgment Hearings

The limitations contained in this policy do not apply to postponement requests for the following hearing types: motion for new trial, sentencing, modification or reconsideration of sentence, violation of probation, post-conviction, *coram nobis*, or any other post-judgment hearing. In those matters, the judge to whom the case is assigned shall rule on any request for postponement.

3. Speedy Trial/Hicks Issues

If the postponement of any event will implicate the defendant's speedy trial rights, the defendant must either waive his right to a speedy trial, or a finding of good cause to go beyond the deadline must be made. Both the voluntary or the good cause waiver must be done in open court before the administrative judge and/or his/her designee, with the defendant present. Written waivers will not be accepted.

INTERPRETERS

1. Request for Interpreters

The Maryland Judiciary provides court interpreters at no cost for hearings and proceedings conducted in court, as well as certain court-related services and events, for individuals who are parties or witnesses in civil, family, criminal, and juvenile proceedings.

Counsel or the parties should submit a Request for Spoken Language Interpreter (CC-DCA87) to the court administrator not less than 30 days before the proceeding for which the interpreter is requested. Uncommon languages and dialects may require additional time to schedule an interpreter, based on the availability of an interpreter for that language.

2. Cancellation of Interpreter

If it becomes apparent that an interpreter will not be needed on the assigned trial or hearing date, counsel or the parties shall submit a written notice to the court administrator no later than 48 hours prior to the scheduled proceeding (not including legal holidays).

3. Hearings

If the event that the case requiring an interpreter is scheduled on the same docket with other cases, the court, counsel and parties should be prepared to proceed with that case first, so as to allow the interpreter to organize his or her schedule, and to minimize the expense to the court, since interpreters are paid by the hour.

ADA ACCOMMODATIONS

1. Request for Accommodation for Person with Disability

The Maryland Judiciary provides reasonable accommodations for persons with disabilities for hearings and proceedings conducted in court, as well as certain court-related services and events.

Counsel or the parties should submit a Request for Accommodation for Person with Disability (CC-DC-49) to the court administrator not less than 30 days before the proceeding for which the accommodation is requested. If requesting a sign language interpreter, counsel or the parties should identify the specific type of interpreter, i.e., *American Sign Language (ASL)*, *Certified Deaf Interpreter (CDI)*, or *Communication Access Real Time Translation (CART)*.

2. Cancellation of an Accommodation

If it becomes apparent that a sign language interpreter will not be needed on the assigned trial or hearing date, counsel or the parties shall submit a written notice to the Court Administrator no later than 48 hours prior to the scheduled proceeding (not including legal holidays).

3. Hearings

If the event that the case requiring an accommodation or sign language interpreter is scheduled on the same docket with other cases, the court, counsel, and parties should be prepared to proceed with that case first, so as to allow the sign language interpreter or CART system stenographer to organize his or her schedule, and to minimize the expense to the court, since interpreters and CART system stenographers are paid by the hour.