

IN THE COURT OF APPEALS OF MARYLAND
FIFTH AMENDED ADMINISTRATIVE ORDER
ON LIFTING THE STATEWIDE SUSPENSION OF JURY TRIALS
AND MAINTAINING GRAND JURIES

WHEREAS, Pursuant to the Maryland Constitution, Article IV § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State; and

WHEREAS, Chapter 1000 of Title 16 of the Maryland Rules of Practice and Procedure sets forth the emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, In instances of emergency conditions, whether natural or otherwise, that significantly disrupt access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Judiciary to operate effectively, the Chief Judge of the Court of Appeals may be required to determine the extent to which court operations or judicial functions shall continue; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control and Prevention (CDC) and the Maryland Department of Health (MDH), an emergency exists for which measures continue to be required to mitigate potential for exposure for individuals visiting a court or judicial facility and for judicial personnel; and

WHEREAS, The COVID-19 emergency has continued, with significant increases in infection rates across Maryland requiring the suspension of certain judicial functions until COVID-19 was once again suppressed to a level that allowed their resumption, with safeguards as advised by the CDC and the MDH, on March 16, 2021; and

WHEREAS, The *Seventh* and *Eighth Administrative Orders Restricting Statewide Judiciary Operations Due to the COVID-19 Emergency*, having been filed on December

22, 2020, and February 2, 2021, extending the return to Phase II operations in light of the surge in COVID-19 infection rates throughout Maryland; and

WHEREAS, The emergence of the Omicron variant of the novel coronavirus having required a return to Phase III emergency operations, including a suspension of jury trials between December 29, 2021, and March 6, 2022, pursuant to the *Interim Administrative Order of December 27, 2021 Restricting Statewide Operations in Light of the Omicron Variant of the COVID-19 Emergency*, filed December 27, 2021, and extended on January 14, 2022; and

WHEREAS, Clarification as to certain suspension end dates and their impact upon certain deadlines previously having been provided; and

WHEREAS, The *Fourth Amended Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, having been filed February 18, 2022, amendments are necessary,

NOW, THEREFORE, I, Joseph M. Getty, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 18th day of February 2022, effective March 7, 2022, that:

- (a) Grand juries, previously having been suspended by order of the Chief Judge of the Court of Appeals due to the COVID-19 emergency and having resumed, may continue at the discretion of the administrative judge or his or her designee; and
- (b) New grand juries may be empaneled as necessary; and
- (c) Grand juries that are currently convened may be extended by the administrative judge pursuant to an administrative order; and

- (d) All criminal jury trials in the Circuit Courts throughout the State of Maryland scheduled to begin on or after:
- i. March 16, 2020, having been suspended on an emergency basis, and having been authorized to resume, with trial dates scheduled beginning on October 5, 2020; and
 - ii. November 16, 2020, through April 23, 2021, unless a jury had been empaneled, having been suspended on an emergency basis and rescheduled as promptly as feasible with dates beginning April 26, 2021; and
 - iii. December 29, 2021, through March 6, 2022, unless a jury had been empaneled, having been ordered to be suspended on an emergency basis, shall be rescheduled as promptly as feasible with dates beginning March 7, 2022,

pending further order of the Chief Judge of the Court of Appeals, as such dates that the summoning of Maryland citizens in sufficient numbers to constitute an adequate jury pool from which a jury venire may be drawn will be possible; and

- (e) All civil jury trials in the Circuit Courts throughout the State of Maryland scheduled to begin on or after March 16, 2020, were ordered to be suspended on an emergency basis effective December 29, 2021, through March 6, 2022, unless a jury had been empaneled, were ordered to be rescheduled as promptly as feasible with dates beginning March 7, 2022, and thereafter, consistent with the *Fourth Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, filed February 18, 2022, subject to priority being given to criminal trials and other urgent actions; and
- (f) Any previously scheduled criminal jury trial beginning between December 29, 2021, through March 6, 2022, in which the jury had not yet been empaneled, was ordered to be suspended consistent with Section (d) of this Order, and the

- number of days that jury trials are suspended shall be included in the calculations of new statutory and rules deadlines in Sections (g) and (h) of this Order; and
- (g) In tolling the statutory and rules deadlines related to the start of criminal jury trials and other criminal matters, the *Administrative Order on Expanding the Statewide Suspension of Jury Trials and Suspending Grand Juries*, filed April 3, 2020, provided that statutory and rules deadlines related to the adjudication of pending criminal matters were to be suspended and extended by the number of days that the courts are closed to the public; and
 - (h) For the purposes of this Order, “tolled or extended by the number of days that the courts were closed” means that the days that jury trials were not able to be offered to criminal defendants due to the COVID-19 emergency during the periods beginning March 16, 2020, through October 4, 2020; November 16, 2020, through April 25, 2021; and December 29, 2021 through March 6, 2022, pending further Order of the Chief Judge of the Court of Appeals, do not count against the time remaining for the start of a criminal jury trial; and
 - (i) The resumption date of criminal jury trials further shall serve as the resumption date for days to be counted toward any adjusted deadline for the start of any trial pursuant to Section 6-103 of the Criminal Procedure Article and Rule 4-271(a)(1), commonly known as the *Hicks* date; and
 - (j) There further shall be an additional tolling of thirty days from the time that jury trials resumed on October 5, 2020, ending on November 4, 2020, for criminal cases that were pending in the Circuit Courts on March 12, 2020, or initiated prior to the resumption of jury trials on October 5, 2020, to allow the Circuit Courts to conduct status hearings and reschedule jury trials as appropriate; and
 - (k) For all criminal cases that were pending or initiated on March 16, 2020, through July 30, 2020, the deadline to conduct preliminary hearings in the District Court

- pursuant to Maryland Rule 4-221(b) previously was extended by Order to August 30, 2020, consistent with Phase III; and
- (l) For all criminal cases that were pending or initiated on November 16, 2020, through February 26, 2021, the deadline to conduct preliminary hearings in the District Court pursuant to Maryland Rule 4-221(b) previously was extended by Order to April 16, 2021; and
 - (m) For all criminal cases that were pending or initiated on December 29, 2021, through March 6, 2022, the deadline to conduct preliminary hearings in the District Court pursuant to Maryland Rule 4-221(b) previously shall be extended to April 15, 2022, pending further Order; and
 - (n) All such proceedings shall be conducted consistent with the implementation of current safeguards, including social distancing and face masks, consistent with the *Fourth Amended Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, filed February 18, 2022; and
 - (o) The *Fourth Amended Administrative Order on Lifting the Statewide Suspension of Jury Trials and Maintaining Grand Juries*, filed August 6, 2021, shall be and hereby is rescinded effective March 7, 2022; and
 - (p) To the extent that this Administrative Order conflicts with extant Administrative Orders, this Administrative Order shall prevail; and
 - (q) This Administrative Order will be revised as circumstances warrant.

/s/ Joseph M. Getty
Joseph M. Getty
Chief Judge
Court of Appeals of Maryland

Filed: February 18, 2022

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(§§ 10-1601 et seq. of the State Government Article) this document is authentic.

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland



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Suzanne C. Johnson, Clerk

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