

**The Circuit Court for Calvert County
Seventh Judicial Circuit
Criminal Differentiated Case Management Plan**

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**CIRCUIT COURT FOR CALVERT COUNTY
CRIMINAL DIFFERENTIATED CASE MANAGEMENT PLAN**

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Criminal Differentiated Case Management Plan for Calvert County Circuit Court

Introduction

The Circuit Court for Calvert County realizes it is required to adjudicate criminal cases within 180 days of the first appearance of the defendant or defense counsel. It is the Court's goal to satisfy this requirement utilizing all resources efficiently. A differentiated case management plan (DCMP) which designates cases to various tracks early in the process is a vital tool in reaching this goal.

Although case track assignment is one of the first steps in case processing, the Court, in its sole discretion, reserves the right to assign a case to a different track at any point in the process when deemed necessary.

Calvert County Circuit Court's two resident judges hear all case types. A rotational or permanent assignment to criminal court cannot be accomplished; consequently, criminal case court events cover a wide range of dates.

Acknowledging and accepting the above, the Calvert County Circuit Court hereby adopts this Criminal Differentiated Case Management Plan, effective this 27th day of August, 2009.

Criminal Track 1 – Jury Trial Prayers

Jury trial prayers and written demands for a jury trial requested in the District Court are assigned to Criminal Track 1 by the Circuit Court criminal assignment office. The Circuit Court has set aside at least one day per month for trial of these Track 1 cases.

Jury trial prayers (oral requests in open court) - The Circuit Court criminal assignment office provides the District Court and the State's Attorney with available pre-trial and trial dates. By pre-arrangement, and with the cooperation of the District Court, the Circuit Court trial date is given when the jury trial prayer is received, and the District Court issues the summons at that time. The summons includes Circuit Court pre-trial and trial dates.

Written demands for jury trial - When a written demand for jury trial is filed in District Court, the case file is forwarded to the Circuit Court. The criminal assignment office assigns the case to Criminal Track 1, sets the pre-trial and trial dates, and sends written notice to all parties.

Plea Offer – The State's Attorney has agreed to send a written plea offer along with sentencing guidelines in advance of the pre-trial date. Defendant's written rejection of the plea offer is required. If the defendant accepts the plea offer, the State's Attorney will notify the criminal assignment office and a plea date will be set or an existing event date will be used for the plea.

Trial dates – It is the intention of the Circuit Court to conduct trials of all jury trial prayer cases within 90 days from receipt of the case from District Court.

Criminal Track 1 – Appeals from District Court

All appeals from the District Court are assigned to Criminal Track 1 by the Circuit Court assignment office.

Non-incarcerable traffic appeals are set for a bench trial within 30 days of filing with the Circuit Court.

Incarcerable traffic appeals and criminal appeals are set for pre-trial between 30 – 60 days and for trial between 60 – 90 days of filing in Circuit Court.

Plea Offer – The State's Attorney has agreed to send a written plea offer along with sentencing guidelines in advance of the pre-trial date. Defendant's written rejection of the plea offer is required. If the defendant accepts the plea offer, the State's Attorney will notify the criminal assignment office and a plea date will be set or an existing event date will be used for the plea.

The Court's goal is to dispose of all appeals from District Court within 90 days from receipt of District Court file or filing in Circuit Court.

Criminal Track 2 – Charges by Indictment or Criminal Information - General

Most indictments and criminal information cases are assigned to Criminal Track 2 by the criminal assignment office.

Initial Appearance Hearing (arraignment) – Unless a warrant has been issued, if the defendant is *not* represented by counsel, an initial appearance hearing is scheduled within 15-30 days from filing of case, for presentation of charges and determination of defendant's representation in the case. At the initial appearance hearing, the court will inform the defendant of the dates for the *status* initial appearance hearing, pre-trial hearing, plea hearing, and trial. If counsel enters the case and waives the initial appearance, the initial appearance and status initial appearance hearings will be cancelled (vacated), and the case will proceed to pre-trial.

If a warrant has been issued, the initial appearance hearing will be conducted upon defendant's apprehension.

Status Initial Appearance Hearing - In order to determine the status of defendant's attempts to retain counsel, a status initial appearance hearing will be scheduled within 30 days from the date of the initial appearance hearing. If counsel enters the case after the initial appearance hearing and before the status initial appearance hearing, the status initial appearance hearing will be cancelled (vacated), and the case will proceed to pre-trial.

Pre-trial Hearing– A pre-trial hearing is set between 30-40 days after the status initial appearance hearing, after taking into consideration the availability of the State's Attorney and defense counsel.

Plea Offer – The State's Attorney has agreed to send a written plea offer along with sentencing guidelines in advance of the pre-trial date. Defendant's written rejection of the plea offer is required. If the defendant accepts the plea offer, the State's Attorney will notify the criminal assignment office, and a plea date will be set or an existing event date will be used for the plea.

Plea Hearing – If a plea has not been entered and accepted by the court by the pre-trial hearing date, a plea hearing date is set 30 days after the pre-trial hearing is conducted.

Motions Hearings – Motions hearings will be scheduled by the criminal assignment office upon request of either the state or the defense, and every attempt will be made to schedule the motions hearing without postponing future, pre-established court events.

Trial – If the defendant does not accept the plea offer, the case will proceed to trial approximately 30 days from the plea hearing date.

Sentencing Hearing - If the defendant has accepted and the court has taken the plea, the sentencing hearing will be scheduled within 30 days of the plea hearing date, unless a pre-sentence investigation is ordered. If the case proceeds to trial and the defendant is found guilty of the charges, sentencing will be scheduled within 30 days of verdict, unless a pre-sentence investigation is ordered. If a pre-sentence investigation is ordered, sentencing will be scheduled within 60 – 90 days of plea or verdict.

The Court's goal is to complete processing of Criminal Track 2 cases to verdict, plea or disposition within 130 days of initial appearance of the defendant or entry of counsel.

Criminal Track 3 – Charges by Indictment or Criminal Information– Major / Complex

Major / complex cases (homicide, rape, 1st & 2nd degree sex offenses, child abuse, major fraud, arson, wiretap, drug king-pin, complicated science-related and technology cases, and consolidated cases) and such other cases as the Administrative Judge may direct, are assigned to Criminal Track 3.

Initial Appearance Hearing (arraignment) – Unless a warrant has been issued, if the defendant is *not* represented by counsel an initial appearance is scheduled within 15-30 days from filing of case, for presentation of charges and determination of defendant's representation in the case. At the initial appearance hearing, the court will inform the defendant of the dates for the *status* initial appearance hearing, pre-trial hearing, plea hearing, and trial. If counsel enters the case and waives the initial appearance, the initial appearance and status initial appearance hearings will be cancelled (vacated), and the case will proceed to pre-trial.

If a warrant has been issued, the initial appearance hearing will be conducted upon defendant's apprehension.

Status Initial Appearance Hearing - In order to determine the status of defendant's attempts to retain counsel, a status initial appearance hearing will be scheduled within 30 days from the date of the initial appearance hearing. If counsel enters the case after the initial appearance hearing and before the status initial appearance hearing, the status initial appearance hearing will be cancelled (vacated), and the case will proceed to pre-trial.

Pre-trial Hearing – A pre-trial hearing is set between 30-40 days after the status initial appearance hearing, after taking into consideration the availability of State's Attorney and defense counsel.

Plea Offer – The State's Attorney has agreed to send a written plea offer along with sentencing guidelines in advance of the pre-trial date. Defendant's written rejection of the plea offer is required. If the defendant accepts the plea offer, the State's Attorney will notify the criminal assignment office, and a plea hearing date will be set or an existing event date will be used for the plea.

Motions Hearings – Motions hearings are scheduled by the criminal assignment office upon request of either the state or the defense, and will normally be scheduled within 30 days from the pre-trial hearing date. Every attempt will be made to schedule the motions hearing without postponing future, pre-established court events.

Plea Hearing – If a plea has not been entered and accepted by the court by the pre-trial hearing date, a plea hearing date is set within 45 days after the pre-trial hearing date.

Trial – If the defendant does not accept the plea offer, the case will proceed to trial approximately 45 days from the plea hearing date.

Sentencing Hearing - If the plea has been accepted and the court has taken the plea, the sentencing hearing will be scheduled within 30 days of the plea hearing date, unless a pre-sentence investigation is ordered. If the case proceeds to trial and the defendant is found guilty of the charges, sentencing will be scheduled within 30 days of verdict, unless a pre-sentence investigation is ordered. If a pre-sentence investigation report is ordered, sentencing will be scheduled within 60 – 90 days of plea or verdict.

The Court's goal is to complete processing of Criminal Track 3 cases to verdict, plea or disposition within 160 days of the initial appearance of the defendant or entry of counsel.

Appendix A

Circuit Court for Calvert County, Maryland Criminal Case Postponement Policy

It is the policy of the Calvert County Circuit Court to deny requests for postponements unless “good cause” is given. The Administrative Judge, or his designee, will consider all written motions for postponements of future events in criminal cases, when the motion and file are forwarded from the Clerk’s Office. Motions for postponement made on the same day of a scheduled court event or during a court event should be in writing, when possible, and may be ruled on by the trial judge. Any defense motion for postponement which, if granted, would result in exceeding the *Hicks* requirement for trial within 180 days, must include a written *Hicks* waiver signed by the defendant. Motions by the State’s Attorney will require the Court to find good cause to postpone the court event.

Unless the Court, in its sole discretion, shall determine otherwise, all motions for postponement filed by the State’s Attorney and by defense counsel shall:

- a. Be in writing and titled, *Motion for Postponement*;
- b. Include a proposed Order;
- c. Precisely state the “good cause” for seeking a postponement;
- d. Clearly state the position of the opposing side as to the motion or demonstrate attempts to contact the opposing side;
- e. Include new date(s) for the court events, as provided by the criminal assignment office, and agreed to by all parties or provide an explanation of attempts to obtain new dates; and
- f. Be filed with the Clerk’s Office. Verbal, telephone or fax request will only be considered at the judge’s discretion, and must be followed by an original pleading.

Unless the Court, in its sole discretion, shall determine otherwise, all motions for postponement filed by a self-represented defendant shall:

- a. Be in writing and titled, *Motion for Postponement*;
- b. Set forth the “good cause” for seeking a postponement;
- c. Include the position of the State’s Attorney as to the motion or provide an explanation of attempts to contact the State’s Attorney;
- d. Include new date(s) for the court events, as provided by the criminal assignment office, and agreed to by all parties or demonstrate attempts to obtain new dates;
- e. Include a certificate of service showing the date of mailing or delivery of a copy of the motion to the State’s Attorney; and
- f. Be filed with the Clerk’s Office. Verbal, telephone or fax request will only be considered at the judge’s discretion, and must be followed by an original pleading.

Criminal Postponement Policy – Good Cause

A. The following are examples which the Court will usually consider as “good cause” for postponement:

1. Trial date conflict – The first scheduled case take precedence, per *Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties, effective May 15, 1995, by Chief Judge Robert C. Murphy. Documentation is required to demonstrate trial date conflict;*
2. Serious illness of, or death in the family of, a party to the case, counsel, or a necessary witness;
3. Vacation(s) scheduled prior to any assigned court event including trial date; however, requests for postponement must be made within ten (10) calendar days of notification of scheduled court event; or
4. Counsel involved in a carryover matter in another court.

B. The following will generally **NOT** be considered for “good cause” postponement:

1. Vacation(s) scheduled after establishing motions and trial dates;
2. Consent of State’s Attorney and defense counsel without substantive basis;
3. No previous postponements have been granted in the case; or
4. Any matter known or which should have been known when the trial date was established.

C. The following will generally **NOT** be considered for “good cause” postponements, unless additional factors are present:

1. Outstanding motion(s) at date of hearing or trial;
2. Change of counsel;
3. Plea negotiations are ongoing; or
4. Any matter that was not known when trial date was established.

Appendix B

**CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND
CRIMINAL CASE TRACKING INFORMATION SHEET**

Date: _____

Case #: _____ **STATE vs.** _____

Is DEFENDANT currently incarcerated? _____ Where:? _____

DEFENDANT'S DOB: _____

Lead (most serious) Charge: _____

Related Cases (if known): _____

Co-Defendant(s) – (include case #'s if available): _____

District Court Tracking #'s (if available): _____

CRIMINAL TRACK REQUESTED: Circle One Track

Track 1: Jury Trial Prayers / Appeals from District Court

Track 2: Charges by Indictment or Information – General

Track 3: Charges by Indictment or Information – Major / Complex
(homicide, rape, 1st & 2nd degree sex offenses, child abuse, major fraud, arson, wiretap, drug king-pin,
complicated science-related and technology cases, and consolidated cases)

Other factors / reason for assigning case to track: _____