

CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

Differentiated Case Management Plan for Criminal Cases

INTRODUCTION

This Criminal Differentiated Case Management Plan (DCMP) is established in accordance with Maryland Rule 16-202(b) 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 action in the circuit court. The Rule mandates that a case management plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a track based on that classification. This plan is a guide to case management envisioned by Rule 16-202(b). The provisions of the plan are not intended to be rigid; some deviation from them is to be expected from time to time. Additionally, the plan does not purport to override the Maryland Rules or procedural requirements contained in the *Annotated Code of Maryland*.

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, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket.

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional requirements and applicable Md. 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 warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 180 days.

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.

**SECTION I
GENERAL PROVISIONS**

1.1. Postponements.

a. Policy. In order to minimize adverse impacts on witnesses, jurors, judicial resources and other cases on the Court’s dockets, it is the policy of this Court that cases that remain on the trial docket or in which a postponement has been denied are ready for trial and will be actually tried on the trial date. It is the policy of the Calvert County Circuit Court to deny requests for postponement unless “good cause” is given. It is the intent of this policy to minimize last-minute dispositions or postponements that needlessly take up judicial resources that could be used for other matters pending in this Court.

b. Requests. 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:

1. Be in writing and titled, *Motion for Postponement*;
2. Include a proposed Order;
3. Precisely state the “good cause” for seeking a postponement;
4. Clearly state the position of the opposing side as to the motion or demonstrate attempts to contact the opposing side;
5. 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
6. Be filed with the Clerk’s Office. Verbal, telephone and fax request will only be considered at the judge’s discretion, and must be followed by an original pleading.

c. Requests by Self-Represented Defendant. Unless the Court, in its sole discretion, shall determine otherwise, all motions for postponement filed by a self-represented defendant shall:

1. Be in writing and titled, *Motion for Postponement*;
2. Set forth the “good cause” for seeking a postponement;
3. Include the position of the State’s Attorney as to the motion or provide an explanation of attempts to contact the State’s Attorney;
4. 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;
5. Include a certificate of service showing the date of mailing or delivery of a copy of the motion to the State’s Attorney; and
6. Be filed with the Clerk’s Office. Verbal, telephone and fax request will only be considered at the judge’s discretion, and must be followed by an original pleading.

d. Consideration. Pursuant to Md. Rule 4-271, all postponement requests must be considered by the County Administrative Judge or his/her designee. The designated postponement

judge shall be authorized to make good cause findings and to rule on waivers of the Hicks requirement. Pursuant to the Rule, only one judge may be designated to have postponement authority at a time. 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.

e. Clearing New Dates. Any party requesting a postponement of a trial or any other hearing shall coordinate a proposed re-set date with the opposing party and the Court consistent with Case Time Standards. Failure to coordinate a re-set date may result in the postponement not being considered. Compliance with this procedure does not guarantee that any continuance will be granted and will not be interpreted by the Court as constituting consent to the postponement.

f. Hicks issues. If the postponement of any event will, in any way, implicate the Hicks Rule, a Hicks waiver or finding of good cause must be made in open court, by the designated postponement judge. The Defendant shall be present in open court and written waivers will not be accepted.

1.2. Motions.

a. Mandatory Motions. Mandatory motions include matters that must be raised, or are automatically waived by the court if not filed within 30 days after the first appearance of the defendant or the entry of appearance by counsel, except as a result of discovery and filed within 5 days of discovery. Mandatory motions include:

- Defect in the institution of the prosecution,
- Defect in the charging document,
- Unlawful search and seizure, wiretap or pretrial identification,
- Unlawfully obtained admission, statement or confession,
- Request for joint or separate trial of defendants or offenses.

b. Transfer to Juvenile Court. A motion for transfer to juvenile court, though not considered mandatory, must be filed separately and is considered waived under the same time restrictions as mandatory motions.

c. Hearings. Motions hearings may be heard in court or decided by a judicial ruling on paper, without a hearing. A response to a motion, if made, must be filed within 15 days after service of the motion. Rulings on motions are required, where practical, to be heard before the day of trial, although a motion to dismiss pursuant to the speedy trial rule may be deferred until the day of trial. Most dispositive and evidentiary motions must be heard in open court.

1.3 Withdrawal of Counsel. Pursuant to Maryland Rule 2-132, unless a litigant has another attorney of record, attorneys must file a motion to withdraw their appearance. The rule also states in part that “the court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.” Therefore, if there is any matter scheduled in the case within thirty (30) days of a motion to withdraw, extenuating circumstances may have to exist in order for the

court to grant the motion. Extenuating circumstances may include safety concerns or issues of perjury.

1.4. Remote Participation. (a) Scheduling or Pretrial Conference by telephone. An attorney may elect to participate in a Scheduling or Pretrial Conference by telephone, if such participation is expressly authorized by the Court. Attorneys and their clients must be present for a Settlement Conference. Attorneys participating by telephone shall be considered, for all purposes, to be in the presence of the Court. An attorney who is not physically present or participating by telephone at the time stated in the Order for Scheduling Conference shall be considered absent and subject to all decisions made at the Scheduling Conference and/or appropriate sanctions for failure to appear.

(b) All other matters. Attorneys, parties and litigants may appear for trials and hearings through video or audio conferencing offered by CourtCall. Advance permission must be obtained from the court using the motion provided on the court’s website. To expedite matters, the party requesting the remote hearing must notify all other attorneys or unrepresented parties and receive their consent. Approval depends on the nature of the matter to be heard and the reason for the request. If other attorneys or unrepresented parties do not consent, the motion will be considered on its merits. The party requesting the remote appearance shall be responsible for all costs incurred.

SECTION II CRIMINAL TRACKS

2.1. Generally. A criminal case may follow one of three distinct tracks to resolution. Tracks are defined at filing of the complaint, based on the case type or highest charge. See Table 1 below. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The case flow time standard for circuit court criminal cases is 180 days from the first court appearance of defendant or the entry of appearance by counsel to disposition for 98% of cases. For criminal case tracks, expected case durations are based on a consensus of needed time to reach disposition, which may be less than the time standard. Expected case duration is not a time standard.

Table 1 – Criminal Tracks by Case Types and Outcomes.

Track	Case Types	Expected Case Duration
Track 1 Jury Trial Prayers, District Court Appeals, and Reopened Cases	1.Misdemeanors 2.Felonies with District Court jurisdiction 3.Administrative Violations of Probation	90 days to sentencing; track defined at filing.
Track 2 Non-Violent Felony Cases	Non-violent felony charge(s); qualifying charges to be identified.	120 days to sentencing; track defined at filing by highest charge.

		Cases downgraded to a misdemeanor remain Track 2.
Track 3 Violent Cases	Felony Violent felony charge = highest charge; qualifying charges to be identified.	150 days to sentencing; track defined at filing by highest charge. Cases downgraded to a non-violent charge will be changed to Track 2 cases.

2.2. Criminal Track 1 – Jury Trial Prayers.

a. Track Assignment. 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.

b. 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.

c. 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. A pretrial date is given by the District Court. The criminal assignment office assigns the case to Criminal Track 1, sets the trial date, and sends written notice to all parties.

d. Plea Offer. The State’s Attorney has agreed to make a plea offer with sentencing guidelines in advance of the pre-trial date. 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.

e. Time Standard. It is the intention of the Circuit Court to conduct trials of all jury trial prayer cases with 90 days from receipt of the case from District Court.

2.3 Criminal Track 1 – Appeals from District Court.

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

b. Trial Date. Traffic appeals of offenses without potential incarceration are set for a bench trial within 30 days of filing with the Circuit Court. All other appeals are set for a pre-trial hearing between 30 – 60 days and for trial between 60 - 90 days of filing in Circuit Court.

c. Plea Offer. The State’s Attorney has agreed to make a plea offer with sentencing guidelines in advance of the pre-trial date. 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

d. Time Standard. It is the intention of the Circuit Court to conduct trials of all jury trial prayer cases with 90 days from receipt of the case from District Court.

Table 2
Track 1 – Jury Trial Prayers, District Court Appeals

Event	Timing
Case Initiation	Case filing by State’s Attorney in Circuit Court
Arrestment	Not required
Discovery	In District Court or no period required
Trial	Within 90 days of filing
Sentencing (if guilty)	Same day as verdict

2.4. Criminal Track 2 – Charges by Indictment or Criminal Information.

a. 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 pre-trial hearing, plea hearing, and trial. If counsel enters the case and waives the initial appearance, the initial appearance 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.

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

counsel. At the hearing, the State and defense counsel shall apprise the court of discovery issues, the status of plea negotiations and any other issues that may require attention.

c. Plea Offer. The State’s Attorney has agreed to make a plea offer with sentencing guidelines in advance of the pre-trial date. 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.

d. 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. At the hearing, the defendant shall accept or reject the plea offer tendered by the State’s Attorney.

e. Motions Hearing. 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.

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

g. 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.

h. Time Standard. The Court’s goal is to complete processing of Criminal Track 2 cases to verdict, plea or disposition within 120 days of initial appearance of the defendant or entry of counsel.

**Table 3
Track 2 – Non-Violent Felony Cases**

Court Event	Timing
Case Initiation	Case filing by State’s Attorney in Circuit Court
Arraignment	Within 15 days of filing
Motions Hearings (Discovery) Complete	30 days prior to trial
[Pretrial Status Conference]	15 days prior to trial
Trial	Within [90 days] of filing
Sentencing (if guilty)	Same day or 30 days after trial typically

2.5 Criminal Track 3 – Violent Felony Cases.

a. Charges. Violent felony cases (homicide, rape, first and second 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 assignment to Criminal Track 3.

b. 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 pre-trial hearing, plea hearing, and trial. If counsel enters the case and waives the initial appearance, the initial appearance 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.

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

d. Plea Offer. The State's Attorney has agreed to make a plea offer with sentencing guidelines in advance of the pre-trial date. 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.

e. Motions Hearing. 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.

f. 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.

g. Trial. If the defendant does not accept the plea offer, the case will proceed to trial approximately 45 days from the plea hearing date. The Court's goal is to complete processing of Criminal Track 3 cases to verdict, plea or disposition within 160 days of initial appearance of the defendant or entry of counsel.

h. 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.

i. Time Standard. The Court's goal is to complete processing of Criminal Track 2 cases to verdict, plea or disposition within 120 days of initial appearance of the defendant or entry of counsel.

Table 4

Track 3 – Violent Felony Cases

Court Event	Timing
Case Initiation	Case filing by State’s Attorney in Circuit Court
Arrest	Within 15 days of filing
Motions Hearings (Discovery) Complete	30 days prior to trial
[Pretrial Status Conference]	15 days prior to trial
Trial	Within 150 days of filing
Sentencing (if guilty)	Same day or 30 days after trial typically