

**The Circuit Court for Howard County
Fifth Judicial Circuit
Criminal Differentiated Case Management Plan**

**Approved by the Court of Appeals of Maryland
June 10, 2008**

**The Circuit Court for Howard County
8360 Court Avenue
Ellicott City, MD 21043**

**CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND
CRIMINAL DIFFERENTIATED CASE MANAGEMENT PLAN**

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Criminal Differentiated Case Management Plan
for Howard County, Maryland

The Circuit Court for Howard County acknowledges its responsibility for managing case progress. As caseloads increase, courts have turned their attention to methods for reducing delay, making the courts more accessible to the public and improving predictability and certainty in caseflow management. Differentiated case management (DCM) is a system courts use to tailor the case management process and to obtain the most efficient use of judicial and staff resources to best meet the needs of individual cases. Inherent in the concept of DCM is the recognition that many cases can proceed through the court system at a faster pace than others if appropriate pathways are provided. The Criminal DCM Plan for Howard County, Maryland provides the opportunity to the Court to screen criminal cases shortly after filing and to achieve a just and timely resolution of each case.

To ensure that the criminal caseload is resolved with an appropriate level of court resources and in a timely manner, the Criminal DCM Plan for Howard County assigns different case types to three different tracks, as detailed on the following pages. The track assignment is based on information provided by the *Criminal Case Tracking Information Sheet* provided to the Clerk's Office. In addition, the Clerk's Office will

provide the defendant with a *Defendant's Review of Criminal Case Tracking Information Sheet*. The Court retains the authority to make scheduling changes within a track, or to change a case's track to accommodate unforeseen complexities or simply to correct the assignment.

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CRIMINAL TRACK 1

JURY TRIAL PRAYERS or APPEALS FROM DISTRICT COURT

Jury Trial Prayers

All Jury Trial Prayers and written demands for a jury trial, requested in the District Court, will be assigned to Criminal Track 1.

When a **jury trial** is requested in the District Court, a **pretrial settlement hearing date** is chosen within **14-20 days** from a list of dates provided to the District Court by the Circuit Court Clerk's Office. A notice is signed by and given to all parties.

If a **written demand for a jury trial** is received in the District Court, the file is forwarded to the Circuit Court Clerk's Office. A **pretrial settlement hearing date** will be set within **14-20 days** and notices will be sent to all parties. If the case does not resolve at the pretrial settlement hearing, a **trial date** will be set within **31-35 days** from the pretrial settlement hearing date.

Criminal Track 1 *Jury Trial Prayers* cases have a **disposition time goal of completion within 60 days**.

Appeals From District Court

The Circuit Court Clerk's Office will assign all appeals received from the District Court to Criminal Track 1.

Non-incarcerable traffic appeals will receive a **trial date** for a **bench trial** within **45-50 days of filing** with the Circuit Court.

Incarcerable traffic appeals and criminal appeals will receive an **arraignment** date within **14 to 20 days of filing** with the Circuit Court.

At the arraignment for a **criminal appeal case** or when appearance of counsel is filed for a **criminal appeal case**, a **trial date** will be set within **45-50 days of filing** with the Circuit Court.

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At the arraignment for an **incarcerable traffic appeal case** or when appearance of counsel is filed for an **incarcerable traffic appeal case**, a **pretrial settlement hearing date** will be set within **10 days** and notices will be sent to all parties. If the case does not resolve at the pretrial settlement hearing, a **trial date** will be set within **31-35 days** from the pretrial settlement hearing date.

Criminal Track 1 *Appeals From District Court* cases have a **disposition time goal of completion within 60 days**.

CRIMINAL TRACK 2*CHARGES BY INFORMATION or INDICTMENTS*

The Circuit Court Clerk's Office will assign all Charges by Information and all Indictment cases to Criminal Track 2.

Criminal Track 2 cases will receive an **arraignment date** within **30 days of filing** with the Circuit Court. At the arraignment or at the entry of appearance of counsel, all parties will be made aware of the option of a **criminal settlement hearing**. Upon a timely request, a **criminal settlement hearing date** will be set **prior** to the criminal motions hearing date. Also, at the arraignment, a **criminal motions date** will be set within **90 days** of filing with the Circuit Court, and a **trial date** will be set within **120 days** of filing with the Circuit Court.

If an appearance of counsel is filed before the arraignment in a Criminal Track 2 case, a **scheduling hearing** will be set within **15 days** and the arraignment date will be vacated. At the scheduling conference, if both the Defendant and the State's Attorney elect to attend a criminal settlement hearing, a **criminal settlement hearing date** will be set **prior** to the criminal motions hearing date. Also, at the scheduling hearing, a **criminal motions date** will be set within **90 days** of filing with the Circuit Court, and a **trial date** will be set within **120 days** of filing with the Circuit Court.

Criminal Track 2 *Charges by Information and Indictments* cases have a **disposition time goal of completion within 165 days**.

CRIMINAL TRACK 3
COMPLEX or SPECIALLY ASSIGNED

The Circuit Court Clerk's Office will assign all Complex and all Specially Assigned cases to Criminal Track 3.

Criminal Track 3 **Specially Assigned** cases are specially assigned to a Judge, upon approval of the Administrative Judge. **All events** are to be handled by the assigned Judge (with the exception of the criminal settlement hearing, if elected and requests for postponement).

Criminal Track 3 cases will receive an **arraignment date** within **30 days of filing** with the Circuit Court. At the arraignment or at the entry of appearance of counsel, all parties will be made aware of the option of a **criminal settlement hearing**. Upon a timely request, a **criminal settlement hearing date** will be set **prior** to the criminal motions hearing date. Also, at the arraignment, a **criminal motions date** will be set within **100 days** of filing with the Circuit Court, and a **trial date** will be set within **135 days** of filing with the Circuit Court.

If an appearance of counsel is filed before the arraignment in a Criminal Track 3 case, a **scheduling hearing** will be set within **15 days** and the arraignment date will be vacated. At the scheduling hearing, if both the Defendant and the State's Attorney elect to attend a criminal settlement hearing, a **criminal settlement hearing date** will be set **prior** to a criminal motions hearing. Also, at the scheduling hearing, a **criminal motions date** will be set within **100 days** of filing with the Circuit Court, and a **trial date** will be set within **135 days** of filing with the Circuit Court.

Criminal Track 3 *Complex* and *Specially Assigned* cases have a **disposition time goal of completion within 180 days**.

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND CRIMINAL
LAW POSTPONEMENT POLICY

It is the policy of the Circuit Court for Howard County to deny Requests for Postponement unless “good cause” is shown. Upon receipt of a written *Motion for Postponement*, the Criminal Clerk’s Office will docket the original Motion, attach it to the corresponding file(s) and send it to the Administrative Judge for review and ruling. The Administrative Judge shall rule on all criminal postponement requests made prior to the day of the event and any “day of” postponements due to a lack of judicial resources. All other “day of” postponement requests may be decided by the trial judge that is designated to rule on criminal postponements on that day. Any proposed new hearing or trial date cannot exceed the *Hicks* requirement, unless the defendant has previously waived *Hicks* on the record, a written and signed *Hicks* waiver is included with the motion or the Court finds “good cause”.

All Requests for Postponement filed by an attorney who is representing a defendant and all Requests for Postponement filed by the State’s Attorney Office

Requests for Postponement filed by an attorney on behalf of a defendant and Requests for Postponement filed by the State’s Attorney Office must meet all of the following criteria:

- a) Be in the form of a written motion and titled, *Motion for Postponement*;
- b) Provide a proposed Order;
- c) State the “good cause” for a postponement (see below);
- d) State the position of the other side or state an explanation of attempt(s) made to contact the other side;
- e) Include a new date(s), provided by the Court, agreed to by all parties or state an explanation of attempt(s) made to include a new date(s);
- f) Must be filed with the Criminal Clerk’s Office. Verbal, telephone or fax requests for postponements will not be considered.

All Requests for Postponement filed by self-represented defendants

Requests for Postponement filed by a self-represented defendant must meet all of the following criteria:

- a) Be in written form and titled, *Motion for Postponement*;

- b) State the “good cause” for a postponement (see below);
- c) State the position of the State or state an explanation of attempt(s) made to contact the State;
- d) Include a new date(s), provided by the Court, agreed to by all parties or state an explanation of attempt(s) made to include a new date(s);
- e) Must be filed with the Criminal Clerk’s Office. Verbal, telephone or fax requests for postponements will not be considered.

Appendix A

“Good Cause” Criminal Postponement Policy

1. The following are examples that are usually considered “good cause” for postponement:
 - a. Trial date conflict: The first case set takes precedence (See Chief Judge Robert C. Murphy’s Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties effective May 15, 1995.) **Documentation establishing a trial date conflict must be provided.**
 - b. Serious illness of, or death in the family of, a party, counsel, or necessary witness;
 - c. Vacation(s) scheduled prior to any assigned trial date; Requests for postponement must be made within ten (10) calendar days of notification of scheduled event.
 - d. If counsel is scheduled for a matter before this court, but becomes involved in a carryover matter in another court.

2. The following are NOT “good cause” examples for postponement:
 - a. Vacation(s) scheduled after establishing a trial or motion date;
 - b. Consent of the State and the defense with no substantive basis;
 - c. No previous requests for postponement;
 - d. Any matter known or which should have been known when the trial date became firm.

3. The following are generally not considered “good cause” examples for postponement, unless additional factors are present:
 - a. Outstanding motion(s) at date of hearing or trial;
 - b. Change of counsel;
 - c. Plea negotiations are ongoing.
 - d. Any matter that was not known when the trial date became firm.

Revised April 22, 2008

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

Date: / /

Case #: _____ STATE V. _____

Is DEFENDANT currently incarcerated? _____

Where?
DEFENDANT'S DOB: __/__/__

Lead (most serious) Charge: _____

Related Cases: _____

Co-DEFENDANT(S) - (include case #'s if available): _____

District Court Tracking #'s: _____

CRIMINAL TRACK REQUESTED: (CIRCLE ONE TRACK)

Track 2: Charge by Information or Indictment*

Track 3: Complex or Specially Assigned

Presumed Complex: Homicide, Rape, 1st & 2nd Degree Sex Offenses, Child Abuse, Major Fraud, Arson, Wiretap, Complicated Science-Centered and High Technology Cases (DNA, stem cells, addiction, brain imaging and other complicated scientific issues)** and Consolidated Cases.

Reason(s) for assigning case to track other than assigned/presumed track:

Appendix B

Interpreter needed? ____ If yes, please go to the Circuit Court for Howard County website to obtain interpreter information, at: <http://mdcourts.gov/circuit/howard>

State's Attorney / _____
phone number

Initial Criminal Differentiated Case Management Plan Track Designation: _____

* Jury Trial Prayer cases and Appeal from District Court cases are automatically assigned to Track 1.

**Cases involving (or likely involving) complicated science-centered and/or high technology evidentiary issue(s) or question(s) will be specially assigned to an ASTAR Judge.

**CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND
DEFENDANT’S REVIEW OF CRIMINAL CASE TRACKING INFORMATION
SHEET**

Date: / /

Case #: _____ STATE V. _____

INITIAL TRACK ASSIGNMENT: _____

CRIMINAL TRACK REQUESTED BY DEFENSE: (CIRCLE ONE TRACK)

Track 2: Charge by Information or Indictment*

Track 3: Complex or Specially Assigned

Presumed Complex: Homicide, Rape, 1st & 2nd Degree Sex Offenses, Child Abuse, Major Fraud, Arson, Wiretap, Complicated Science-Centered and High Technology Cases (DNA, stem cells, addiction, brain imaging and other complicated scientific issues)** and Consolidated Cases.

Reason(s) for assigning case to track other than assigned/presumed track:

Interpreter needed? ____ If yes, please go to the Circuit Court for Howard County website to obtain interpreter information, at: <http://mdcourts.gov/circuit/howard>

_____ / _____
Defense Counsel phone number

Return this form to the Clerk’s Office at the Circuit Court for Howard County at the time of filing an appearance or at the arraignment.

* Jury Trial Prayer cases and Appeal from District Court cases are automatically assigned to Track 1.

**Cases involving (or likely involving) complicated science-centered and/or high technology evidentiary issue(s) or question(s) will be specially assigned to an ASTAR Judge.

Appendix C