

The Circuit Court for Queen Anne’s County  
**Criminal Differentiated Case Management Plan**

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Md. Rule 16-302(a) provides that the county administrative judge shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.

Md. Rule 16-302(b)(1)(A) mandates that the county administrative judge shall develop and, upon approval by the chief judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. This plan serves as a guide to the management of cases in Queen Anne’s County.

The provisions set forth in this plan are intended to serve as a general guideline for the processing of cases which come before the Circuit Court for Queen Anne’s County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Additionally, this plan is prepared within the confines of case time standards and the plan does not purport to override any requirements of the Md. Rules or the Annotated Code of Maryland.

The goal of this plan is to exceed the accepted Time Standards as adopted by the Maryland Judiciary, to wit: 98% of all cases are completed within 180 days of the defendant’s first appearance in the Circuit Court or the filing of an entry of appearance by counsel, whichever is later, and to provide a general outline of the court’s process for scheduling. To ensure that criminal prosecutions meet this goal and proceed to conclusion in a timely manner without unnecessary burden to court staff and public resources, including jurors, and without delay relating to pleadings, discovery and court events, the Circuit Court for Queen Anne’s County will control the pace of the litigation and will require counsel to cooperate with the court and each other and respect the essential time elements of the process. Cases are to be prepared by the participants to meet hearing and/or trial dates as originally assigned.

The Assignment Office shall provide on the calendar maintained in accordance of this Administrative Order a sufficient number of days to provide for prompt trial of criminal actions in accordance with this Part. The “Court Schedule” will be published on the Circuit Court website and updated from time to time by the Assignment Office. All criminal cases filed or otherwise received in the Office of the Clerk of Court shall be referred to the Assignment Office for instructions relating to scheduling calendar events. The Assignment Office shall provide instructions for entering calendar events on the Court Schedule.

The Court Schedule will designate certain specific dates for assignment of criminal matters, as follows:

Appeals from District Court.....Second and Fourth Mondays, Monthly

Criminal Jury Trials prayed from District Court .... Second and Fourth Mondays, Monthly

Criminal Information and Indictment cases.....within 100 days from filing date

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Criminal Motions, Dispositions,  
Initial Appearances .....First and Second Tuesdays and  
First and Third Fridays

Violation of Probation ..... First and Second Tuesdays

**I. COMMENCEMENT OF CASE IN DISTRICT COURT**

For those cases which have been initiated by charges in the district court, within thirty (30) days after a preliminary hearing in which probable cause is found by a district court judge or after the defendant has waived a preliminary hearing, a criminal information is filed in the circuit court. If the state’s attorney requests a summons, one is issued by the clerk for an initial appearance hearing no less than two (2) weeks from the date of issuance. If a warrant is requested, it is sent to the county administrative judge within twenty-four (24) business hours for review, signature and the establishment of a bond along with instructions for service. The warrant is returned to the clerk’s office to be issued.

**A. INITIAL APPEARANCE**

Once the defendant is served with a no bond status warrant, a bail review/initial appearance is scheduled as soon as possible, but no later than the first day court is in session and a judge is available after service. The clerk notifies a judge, the state’s attorney and public defender of the date and time of the arraignment. At the initial appearance hearing, usually by video bail hearing in an initial appearance case, a judge confirms that the defendant has received a copy of the charges. Additionally, the judge advises the defendant of the charges and the maximum penalties for each charge. The defendant is also advised of his/her right to counsel and notice is given of the deadline for filing mandatory motions. The case is scheduled for motions hearing and jury trial. Finally, defendant and the state are advised of the bail bond which has been established in the case and are granted the opportunity to argue for any change of bond.

If bond is placed on a warrant, defendant may post bond before a district court commissioner or circuit court clerk during normal business hours. At such time as bond is posted, the clerk’s office will refer the matter to the Assignment Office for scheduling of the Initial Appearance. If an entry of appearance is filed by counsel prior to the scheduled Initial Appearance, the clerk’s office will vacate the proceeding and refer the matter to the Assignment Office for further scheduling.

**B. JURY TRIAL PRAYERS/APPEALS FROM DISTRICT COURT**

Jury trial prayers by self-represented defendants shall be scheduled for immediate initial appearance in circuit court at 10:30 a.m. or 2:30 p.m. to the extent possible. Otherwise, initial appearances are to be heard with 15 days of the transfer to Circuit Court and trials are to be scheduled on the second and/or fourth Mondays of each month as noted in the above Court Schedule. The Assignment Office will establish a trial date on the first date designated on the Court Schedule that is at least 30 days from the date of filing of the case in Circuit Court and the clerk’s office shall send notice to the State’s Attorney, the defendant, and defendant’s attorney, if

an appearance has been entered, as well as any surety.

### **C. VIOLATION OF PROBATION APPEALS**

Violation of Probation appeals shall be set for a court trial on the second and/or fourth Mondays of each month as noted in the above Court Schedule. The Assignment Office will establish a trial date on the first date designated on the Court Schedule that is at least 30 days from the date of filing of the case in Circuit Court and the clerk's office shall send notice to the State's Attorney, the defendant, counsel and the probation officer, as well as any surety.

### **D. GUILTY PLEA AGREEMENT AND/OR WAIVER OF JURY TRIAL**

Counsel is required to inform the court *by written pleading filed with the clerk's office* of acceptance of a guilty plea and/or waiver of trial by jury. If there is a plea agreement, the parties shall notify the court, *in writing, at or before the motions hearing date, or, in the case of jury trial prayers/appeals, no less than 72 hours before the trial date by the close of court business at 4:30 p.m.* Prior to any scheduled guilty plea proceeding, except in cases of jury trial prayers/appeals, defense counsel shall have reviewed with defendant and completed the Examination of Defendant Prior to Acceptance of Guilty Plea(s) (form is available on Court's web site). No plea agreement shall be accepted unless communicated to the court in accordance with this paragraph.

### **E. NOTICES**

Trial or hearing notices shall be issued by the clerk's office as authorized by the Assignment Office. In actions to be tried by jury, notice of trial will contain directions that (i) *voir dire* requests must be filed at least 2 days before trial and (ii) requests for instructions must be filed before the commencement of trial, unless otherwise ordered by the Court. Requests for standard instructions may be made by reference to the appropriate section of the updated Maryland Criminal Pattern Jury Instructions. Notices shall be served on all counsel, defendants and any person or entity listed as surety for the appearance of the defendant.

## **II. INDICTMENT OR CRIMINAL INFORMATION**

### **A. INITIAL APPEARANCE**

An initial appearance (*via* video conference proceeding when available) shall be held in all criminal actions if the appearance of an attorney has not been entered and will be scheduled by the Assignment Office. Unless a warrant has been issued, if the defendant has been released on bail or personal recognizance and is not represented by counsel, the Assignment Office shall establish a date for an initial appearance that is at least 14 days after filing in the Circuit Court and advise the docketing clerk to send summons to all parties. Defendant will be informed of the dates for motions hearing and trial, as designated on the Court Schedule, at the initial appearance, and the clerk's office will thereafter send copies of notices and orders to defendant by regular mail.

If the appearance of an attorney is entered before a scheduled initial appearance of the defendant, the Assignment Office will instruct the docketing clerk to (i) remove the action from

the Court Schedule for initial appearance and will schedule the motions hearing and trial and advise the clerk's office to (ii) send a copy of the motions hearing and trial assignment notice to the defendant, the State's Attorney, counsel and any surety.

**B. BAIL REVIEW**

Upon notification of the apprehension of a person pursuant to an arrest warrant or body attachment issued by this Court in a criminal action, the Assignment Office shall instruct the clerk's office to (i) promptly arrange for that person to be brought before the next regular court session for purposes of bail review and initial appearance (*via* video conference proceeding, if available) and (ii) issue notice assigning the action for trial or other proceedings.

**C. MOTIONS HEARING**

When an indictment or criminal information is filed in the Circuit Court, the Assignment Office shall schedule a date for a Motions hearing that is 75-90 days from the date of filing. The Assignment Office will advise the clerk's office to issue a notice of the motions hearing date, which will be sent to the State's Attorney, defendant, defense counsel, and any surety.

In order for an evidentiary hearing to be held on the motions hearing date, any omnibus motion must be supplemented with specific allegations and points of law upon which the parties intend to rely. At or before the motions hearing, the parties shall advise the Court regarding any guilty plea offer, [waiver of] trial by jury, and final arrangements for the scheduled trial.

**D. GUILTY PLEA AGREEMENT AND/OR WAIVER OF JURY TRIAL OR COURT TRIAL**

Any guilty plea or waiver court or jury trial shall occur on the motions hearing date, unless extraordinary circumstances exist to delay the guilty plea to the trial date. No guilty pleas are to be undertaken on the trial date unless such a determination has been made for good cause shown on the motions hearing date.

**E. TRIAL**

When an indictment or criminal information is filed in the Circuit Court, whether or not the appearance of an attorney has been entered, the Assignment Office shall schedule a trial date that is within 100 days from filing and advise the Docketing Clerk to send notice to the State's Attorney, the defendant, and any defense counsel or surety.

**F. OTHER CRIMINAL MOTIONS, SENTENCE MODIFICATION, DISPOSITIONS, INITIAL APPEARANCES**

The Assignment Office shall schedule hearing dates as needed and advise the clerk's office to issue notice of hearing assignment. The clerk's office will send notice to defendant, State's Attorney, counsel, and any surety. In all other cases, the Assignment Office will refer motions to the court, with suggested dates for setting a hearing.

**III. VIOLATION OF PROBATION**

**A. SUMMONS**

Upon filing, a request for summons will be referred to the Assignment Office for preparation of directions for scheduling an initial appearance and/or hearing date for the consideration by the Court. At the time when the summons is authorized by the Court, the Assignment Office will advise the clerk's office to (i) issue a notice assigning the defendant's initial appearance on the first date designated on the Court Schedule for initial appearances which is not more than 15 days after the Court's authorization. At the initial appearance, the defendant will be informed of the date for hearing on the alleged violation of probation as that will be set on the first available date designated for such hearings on the Court Schedule that is at least 15 days but not more than 45 days after the initial appearance. The clerk's office will send notice of the hearing date to the State's Attorney, the defendant, and the probation officer who filed the report on which the proceeding is based.

Upon entry of appearance of an attorney for defendant, the Assignment Office will instruct the clerk's office to (i) vacate the initial appearance hearing, (ii) issue notice of hearing regarding violation of probation that is designated by the Assignment Office on a date not more than 45 days after the Court's authorization, (iii) send copies of the notice to the State's Attorney, the probation agent, the defendant and counsel.

**B. WARRANT**

Upon notification of the apprehension of a person pursuant to an arrest warrant or body attachment issued by this court in a criminal action, and upon authorization from the Court, the Assignment Office will advise the clerk's office to (i) promptly arrange for that person to be brought before the Court for purposes of bail review (*via* video conference proceeding, if available) and (ii) issue notice for hearing regarding violation of probation that is designated by the Assignment Office on a date that is not more than 45 days after the bail review. At the direction of the Court, the clerk's office will issue a warrant for defendant's arrest regarding alleged violation of probation.

**C. ASSIGNMENT FOR SENTENCING**

If the court defers sentencing pending receipt of a pre-sentence report from the Division of Parole and Probation or for other reason, the clerk's office shall (i) immediately notify the Division of Parole and Probation of any request for a report, (ii) if the Court has not already

The Circuit Court for Queen Anne's County  
**Criminal Differentiated Case Management Plan**

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assigned a sentencing date, the Assignment Office will assign a date designated on the Court Schedule for criminal dispositions which is not less than 45 or more than 60 days after the date of the verdict and (iii) instruct the clerk's office to send notice of the sentencing date to the State's Attorney, the defendant, the defendant's attorney, and any surety.

#### **IV. COURT DATES**

Each court date should be used as an opportunity to update and verify all contact information of the defendant. Moreover, each court appearance should be viewed as an opportunity to exchange more information and dispose of the case before trial.

In accordance with Md. Rule 4-271(a) and Md. Code, Criminal Procedure, § 6-103(b)(1), for good cause shown, the county administrative judge or a designee of the judge may grant a change of the trial date in a circuit court on motion of a party or on the initiative of the circuit court. The objective is to comply with Md. Code, Criminal Procedure, § 6-103(a)(1) to complete trial within 180 days after the earlier of either the appearance of counsel or the first appearance of the defendant before the circuit court. If the postponement of any event will implicate the Hicks Rule, the defendant must either waive the right to a speedy trial or a finding of good cause to go beyond the Hicks deadline must be made in open court before the county administrative judge or his/her designee, with the defendant present. Written waivers will not be accepted.

In the event that a trial or hearing has commenced but cannot be concluded on the scheduled date(s) and time, the judge presiding is authorized to continue the matter to the next available date except in a criminal matter when a continuance would take the case outside the *Hicks* rule. Only the county administrative judge or his/her designee may continue the matter beyond the limits of the *Hicks* rule.

#### **V. POSTPONEMENT POLICY**

##### **A. GENERALLY**

A party who desires a change of the time of any trial, hearing or conference shall immediately obtain several possible alternate times from the Assignment Commissioner and, within 5 days thereafter:

- (1) Attempt to secure the agreement of all other parties to one of those alternate times;  
and
- (2) File with the Clerk a written request for change to one of those alternate times.

On its own initiative, or if all parties are not agreed, the county administrative judge or his designee may act upon the request *ex parte* or submit the matter to conference under Md. Rule 2-504.1(b). Whether or not the parties have discussed and/or agreed upon an alternate date, any existing Notice of Trial, Scheduling Order or Pretrial Order remains in full effect until the change has been approved *in writing* by the administrative judge or his designee. If a change of date is approved, all instructions or provisions of the original Notice or Order so modified remain

fully applicable to the new date.

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

## **B. CRIMINAL CAUSES**

The Circuit Court for Queen Anne's County has a strict postponement policy requiring that a case may be postponed *only* for good cause shown on a case by case basis consistent with the policy of this Court, other than as addressed in (2) below. Counsel is required to ascertain their availability and the availability of witnesses. All trial dates will be considered firm unless the court is informed of a conflict *within five days of receipt of the notice*. An action will not be removed from the trial calendar except as approved by the Court.

## **VI. ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT**

The Circuit Court for Queen Anne's County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Maryland Rule provides guidance in that regard.

According to Md. Rule 1-332(b):

- (1) *Notification of Need for Accommodation* - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) *Sign Language Interpreter* - The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; *Md. Code Ann., Cts. & Jud. Proc.*, § 9-114 (2013, 2018 Supp.); and *Md. Code Ann., Crim. Proc.*, § 1-202 and 3-103 (2018).
- (3) *Provision of Accommodation* - The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333(c).

## **VII. INTERPRETERS**

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the Request for Spoken Language Interpreter form, at least 30 days prior to the court date. A delay in notifying the court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the court immediately if the need for the interpreter changes. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or counsel's failure to advise the court that the interpreter will not be needed or because counsel or a litigant does not appear in court in a timely fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

## **VIII. PLAN APPROVAL**

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the Chief Judge of the Court of Appeals. This plan was sent to the state court administrator on \_\_\_\_\_; accordingly, the forgoing plan is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the undersigned:

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Lynn Knight  
County Administrative Judge  
Circuit Court for Queen Anne's County, Maryland