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**CIRCUIT COURT FOR BALTIMORE CITY  
CRIMINAL DIVISION**

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**Differentiated Case Management Plan**

August 23, 2016

## Criminal Differentiated Case Management Plan

This Criminal DCM Plan is established in accordance with Rule 16-302(b) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

### STATEMENT OF PURPOSE

The purpose of the Criminal DCM Plan is to provide a structured system for the timely and efficient management of cases. The Circuit Court for Baltimore City acknowledges its responsibility for managing case progress. From the commencement of litigation to its resolution, whether by trial or other disposition, 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 will control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket.

The objectives of the Criminal DCM Plan include:

1. Firm and credible case assignment and scheduling of events; and
2. Expedited case disposition for incarcerated defendants.

Further, consistent with case time standards adopted by the Judicial Council, constitutional requirements and applicable court rules, it is the goal of the Plan to comply with accepted time standards, to wit: 98% of all cases shall be completed within 180 days of the defendant's first appearance in the Circuit Court or the entry of appearance by counsel, whichever is earlier. In order to achieve this goal, this Court is also committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases.

### CASE MANAGEMENT

The policies and procedures outlined in this plan shall be implemented by the Judge-In-Charge of the Criminal Docket (JICCr). The JICCr shall exercise and have authority over such criminal issues and matters as designated by the administrative judge pursuant to Rule 16-202(b). The JICCr shall monitor the implementation and effectiveness of the Criminal DCM Plan with the assistance of the criminal analyst. Any issues with the Plan will be discussed at the monthly case management meetings<sup>1</sup> chaired by the JICCr.

All judges and staff are responsible for compliance with the Plan and the effective management of cases assigned to them, including adherence to the case time standards.

Under the supervision of the JICCr, the criminal analyst prepares regular reports which are crucial to the success of the Criminal DCM Plan. The reports include the following:

1. Daily - Trial Calendar - details the availability of trial courts for trial and disposition of cases;

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<sup>1</sup> These meetings are attended by members of the Clerk's Office, State's Attorney's Office, Public Defender's Office and members of the private criminal defense bar.

2. Daily – Summary of Docket for Felony Reception Court – lists age and location of all defendants set for felony trials – permits felony reception court to prioritize disposition of cases;
3. Weekly – Priority Felony Trials – sets out list of oldest cases set for trial during week – places all parties on notice that such cases should be resolved on the trial date;
4. Weekly – Reception and Arraignment Court Workloads – projects number of cases set in reception courts and arraignment court – permits JICCr to monitor any spikes or dips in case assignment;
5. Weekly – List of all defendants incarcerated over one year pending trial – permits JICCr to monitor closely the progress of the most serious cases;
6. Bi-Weekly - Summary of all cases within and outside of case time standards – permits JICCr to monitor closely the success of the DCM Plan;
7. Monthly – Summary of total disposition of cases – permits JICCr to monitor if total misdemeanor and felony caseload is increasing/decreasing;
8. Monthly – Summary of postponements granted and reasons for postponements – permits JICCr to monitor any postponement trends;
9. Monthly – Summary of total number of incarcerated defendants pending trial – permits JICCr to determine if the Court’s resources are being used to resolve the most serious cases; and
10. Monthly – Summary of disposition of all cases sent to trial courts – permits JICCr to monitor effectiveness/efficiency of trial courts.

### **Criminal Clerk’s Office**

Under authority of the Clerk for the Circuit Court, the Criminal Division of the Clerk’s Office processes and maintains all case information. The Criminal Clerk’s Office also issues all notices/summons/writs for all case hearings and trials. Although this is a very short summary of the enormous effort expended by the Clerk’s Office, the Clerk’s Office duties are critical to the success of the Criminal DCM Plan.

### **Criminal Assignment Office**

The Criminal Assignment Office (CAO) operates under the authority of the Clerk for the Circuit Court. The CAO schedules all arraignments, hearings and trials and the postponement of such case events in accordance with the case time standards. The CAO is also crucial to the success of the Criminal DCM Plan.

## **TRACK DESIGNATIONS**

All criminal cases follow one of four distinct tracks to resolution. Tracks are based on the expected complexity of the case.

### **Track A – Simple Cases**

All jury trial prayers and appeals from the District Court will be assigned to Track A by the Clerk’s Office.

When a jury trial is prayed in District Court, the District Court assigns a trial date within 21 to 24 days after the jury trial is prayed. Criminal Track A - Jury Trial Prayers have a disposition<sup>2</sup> goal of 90 days.

All misdemeanors received from the District Court after appeal are assigned a trial date within 30 to 45 days after the appeal is filed. Criminal Track A - District Court Appeals also have a disposition goal of 90 days.

**Track B - Regular Cases**

Cases involving non-violent crimes<sup>3</sup> are assigned to Track B by the State’s Attorney Office (SAO) upon the filing of an indictment or information with the Clerk’s Office. Criminal Track B cases will receive an arraignment date within 37 days of the filing of the information/indictment. Before or at arraignment, the CAO will assign a trial date within 60 to 75 days of the arraignment date. Criminal Track B – Regular Cases have a disposition goal of 120 days.

**Track C – Serious Cases**

Cases involving violent crimes are assigned to Track C by the SAO upon the filing of an indictment or information with the Clerk’s Office. Criminal Track C cases will receive an arraignment date within 37 days of the filing of the information/indictment. Before or at arraignment, the CAO will assign a trial date within 90 to 105 days. Criminal Track C – Serious Cases have a disposition goal of 150 days.

**Track D – Complex Cases**

Cases involving a homicide, multiple victims and/or multiple defendants are assigned to Track D by the SAO. Criminal Track D cases will receive an arraignment date within 37 days of the filing of the information/indictment. Before or at arraignment, the CAO will assign a trial date within 120 to 135 days. Criminal Track D – Complex Cases have a disposition goal of 180 days.

**Table 1.1 – Criminal Tracks**

<i>Track</i>	<i>Casetypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track A</b> Simple Cases	Jury trial prayers from District Court, District Court Appeals	90 days to disposition.
<b>Track B</b> Regular Cases	Non-violent felony charge(s)	120 days to disposition.  Cases downgraded to a misdemeanor remain Track B.

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<sup>2</sup> “Disposition” means dismissal, stet, or guilty or not guilty finding.

<sup>3</sup> Depending on its complexity, any case may be upgraded for a more realistic disposition goal.

<i>Track</i>	<i>Casetypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track C</b> Serious Cases	Violent felony charge(s)	150 days to disposition.  Cases upgraded to a multi-victim/defendant or homicide charge will be changed to Track D.
<b>Track D</b> Complex Cases	Homicide charge(s), multiple victims, multiple defendants.	180 days to disposition.

## CASE EVENTS AND PROCEDURES

Circuit Court criminal cases can be initiated by the filing of a jury trial prayer/appeal from District Court, or an information or indictment. Most misdemeanor cases reach the Circuit Court after a jury trial prayer in District Court, and most felony cases are initiated by indictment. The first case event in the Circuit Court is the filing of either a jury trial prayer or an appeal in the District Court (Track A) or the filing of a criminal information or indictment in the Circuit Court (Tracks B, C, D). A charging document filed in the Circuit Court may be:

1. A District Court charging document for an offense on which the defendant demands a jury trial or appeal (Track A below);<sup>4</sup>
2. An indictment (see Tracks B, C and D below);
3. An information (see Tracks B, C and D below).

**Table 1.2 – Criminal Case Events by Track**

**Track A – Simple Cases: Jury Trial Prayers and Appeals from District Court**

<b>Case Event</b>	<b>Timing</b>
Case Initiation	Jury trial prayer/appeal from District Court
Arraignment	Not required
Discovery	See Rules 4-301(c), 4-262(i) and 4-263(h) – usually before the date of trial
Trial Date <sup>5</sup>	Within 21 – 24 days of jury trial prayer Within 30 – 45 days of filing of appeal
Sentencing (if guilty)	Same day

<sup>4</sup> See Rule 4-201(c)(3).

<sup>5</sup> As required by Rule 4-271(a), the date for all trials is set within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the Court.

**Track B – Regular Cases: Non-Violent Felony**

<b>Case Event</b>	<b>Timing</b>
Case Initiation	Filing of Information/Indictment in Circuit Court
Arraignment – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant
Trial Date	Within 60 – 75 days of the arraignment date
Sentencing (if guilty)	Usually - Same day

**Track C – Serious Cases: Violent Felony**

<b>Case Event</b>	<b>Timing</b>
Case Initiation	Filing of Information/Indictment in Circuit Court
Arraignment – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant
Trial Date	Within 90 – 105 days of the arraignment date
Sentencing (if guilty)	Usually - Same day, or within 90 days if presentence investigation is ordered pursuant to Rule 4-341

**Track D – Complex Cases: Homicides, Multi-victim, Multi-defendant**

<b>Case Event</b>	<b>Timing</b>
Case Initiation	Filing of Information/Indictment in Circuit Court
Arraignment – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant
Trial Date	Within 120 and 135 days of the Arraignment Date
Sentencing (if guilty)	Usually - Same day, or within 90 days if presentence investigation is ordered pursuant to Rule 4-341

## **Arraignment**

No arraignment is held for jury trial prayers or appeals from District Court. For all other cases, upon the filing of the indictment/information, the SAO provides the Clerk's Office with the following:

1. Charging document;
2. Proposed arraignment date; and
3. Proposed track for case.

Once the Clerk's Office enters the case into the Court's data management system, the CAO will set the arraignment date and the appearance deadline/removal date for the arraignment docket.<sup>6</sup>

If by the appearance deadline/removal date for the arraignment docket, defense counsel files with the Clerk's Office an entry of appearance and a written plea pursuant to Rule 4-242(b), as well as an "Agreed Proposed Trial Dates" Form which lists three agreed proposed trial dates, the CAO will set the trial on one of the three proposed trial dates. The Clerk's Office will then send out a notice and summons for the trial date to defense counsel, the State and the defendant. Defense counsel, the defendant, and the Assistant State's Attorney will then not have to appear on the Arraignment Date.

If by the appearance deadline/removal date for the arraignment docket, defense counsel files with the Clerk's Office only an entry of appearance and a written plea pursuant to Rule 4-242(b), the CAO will unilaterally set the trial date within the time window for the Track assigned to the case. The Clerk's Office will then send out a notice and summons for the trial date to defense counsel, the State and the defendant. Defense counsel, the defendant, and the Assistant State's Attorney will then not have to appear on the arraignment date.

If by the appearance deadline/removal date for the arraignment docket, defense counsel fails to file with the Clerk's Office an entry of appearance and a written plea pursuant to Rule 4-242(b), defense counsel, the defendant, and the Assistant State's Attorney must appear on the arraignment date.

Arraignment court is held to process cases in which no counsel has entered their appearance. For such cases, trial dates are set at arraignment within the time window for the specific track assigned to the case.

In order to encourage the early disposition of cases, the SAO and defense counsel have been advised by the JICCr that, prior to the first trial date, the parties may jointly contact the JICCr to set up a date at 2:00 p.m. for plea discussions and a guilty plea.

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<sup>6</sup> The Appearance Deadline/Removal Date is approximately two weeks prior to the Arraignment Date.

## **Discovery**

Due to the fact that cases are not assigned to a specific judge, the Court has designated a “Discovery Judge” to resolve all discovery related motions and pleadings.<sup>7</sup> The Clerk’s Office screens incoming pleadings for all motions and pleadings which are discovery related. The Clerk’s Office will then assign a time period for the response or opposition to the motion/pleading such as:

1. 8 days for Motions to Compel (Rule 4-263(i));
2. 18 days for Motions for Sanctions (Rule 4-263(n));
3. 18 days for Motions for Protective Order (Rules 4-263(m) & 4-266(c)) and
4. 18 days for Motions for Deposition of Witness (Rule 4-261).

Once the time period for response or opposition has expired, and if it is more than 7 days before the trial date, the Clerk’s Office will forward the discovery motion or pleading to the Discovery Judge for disposition. If it is less than 7 days before the trial date, the Clerk’s Office will file the motion or pleading in the court file for disposition by the trial court assigned to the case.

If the Discovery Judge determines that a hearing is necessary, the Discovery Judge’s staff will contact the Assistant State’s Attorney and defense counsel to coordinate a hearing date. If the Discovery Judge issues a protective order tying the timing of disclosures to the trial date, the Discovery Judge will order all counsel to submit a request for a specially set trial along with a copy of the Protective Order to the JICCr. The case will then be specially assigned on a specific date to a trial court so that the protective order can be implemented.

## **Scheduling – Trial Dates**

All Track A cases are assigned to the misdemeanor reception court for trial. All other track cases are assigned to the felony reception court for trial, with the exception of specially set trials, described below. The parties must appear in the assigned reception court at the assigned date and time prepared to proceed to trial. Each day, cases are called by the reception court judges based on the age of the case. If a plea or other disposition of the case is not reached, or the case is not postponed for good cause, the case is forwarded to one of thirteen trial courts for trial.

As noted above, the Court maintains a trial calendar which sets out the availability of the thirteen trial courts. The trial calendar is updated on a daily basis so that the reception court judges are always aware of open trial courts.

## **Postponements**

The Court’s postponement policy is strict and consistent across all four tracks in order to comply with time standards. As required by Rule 4-271, the Court will deny requests for postponements unless “good cause” is shown. Good cause reasons are illustrated in Appendix 1, Criminal Postponement Form. Further, decisions to postpone any case except cases transferred to the Court from the District Court after a jury trial prayer are made by a judge designated by the administrative judge as required by Rule 16-101 which typically is the judge assigned to the felony reception

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<sup>7</sup> For the same reason, the JICCr assigns other tasks to Judges in the Criminal Division. Such tasks include weekly bail reviews, expungements, Rule 4-264 Motions for Subpoena Before Trial, Motions to Disqualify Counsel, and rulings on bail forfeitures.



court. All postponement decisions are memorialized on the standard postponement form which is attached.

If counsel wishes to postpone a case prior to the trial date, counsel submits a Request for Advance Trial Postponement Form at least 7 days prior to the trial date to the presiding judge in the appropriate reception court. The presiding reception court judge will either deny the postponement request or set a date and time to hear the postponement request.

### **Specially Set Cases**

The Circuit Court for Baltimore City has a high volume of Track D – Complex Cases. Due to the nature of such cases, both the State and the defense have historically requested multiple postponements. In order to avoid such postponements and maintain these cases within time standards, if these cases are not resolved at the first trial date, the JICCr specially sets such cases on a specific date before an assigned trial court. The cases are usually specially set in reception court after consultation between the reception court judge, counsel, and, if necessary, the JICCr. Counsel may also submit a Request for Specially Set Criminal Trial directly to the JICCr for consideration.

### **Specialized Courts**

The Court has two specialized courts: Drug Treatment Court and Mental Health Court. Both specialized courts are currently presided over by recalled judges.

Defendants with pending cases or violation of probation hearings are referred to Drug Treatment Court (DTC) after assessment for eligibility by DTC assessors. Either the defendant's probation is transferred to DTC or the defendant pleads guilty in DTC followed by a period of probation.

All Defendants who have filed a not criminally responsible (NCR) plea or whose competency is questioned are referred to Mental Health Court (MHC). The MHC sits one day per week and oversees the referred cases until the defendant's competency is established and/or the NCR plea is resolved. Juvenile Differentiated Case Management Plan

### APPENDIX 1

	Circuit Court for Baltimore City Criminal Division	Criminal Postponement Form
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[PLEASE USE BLUE OR BLACK BALLPOINT PEN AND PRESS HARD TO MAKE FIVE COPIES]

**ADVANCE REQUEST**

Date: _____ SID # _____ Case # _____ State vs. _____ Attorney: _____ Co-Defendant #1: _____ Attorney: _____ Co-Defendant #2: _____ Attorney: _____ ASA: _____	<b>Defendant Location</b> JAIL <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> (Specify) _____ _____
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Postponement requested by: State \_\_\_ Defendant \_\_\_ Co-Defendant #1 \_\_\_ Co-Defendant #2 \_\_\_ All \_\_\_  
 To be postponed from: Date \_\_\_\_\_ Part # \_\_\_\_\_ Hicks Date \_\_\_\_\_  
 Number of prior postponements: \_\_\_\_\_ Retrial: \_\_\_\_\_

**REASON(S) FOR POSTPONEMENT** - Please check appropriate box(es):

CSE	Set in error		CTJ	Transfer jurisdiction		PWU	State witness unavailable
CDA	Defendant to obtain counsel		DWV	Def. witness unavailable		PIV	State needs further investigation
CC	Consolidation		DIV	Def. needs further investigation		PNE	New State's evidence
CDS	Defendant not served		DNE	New defense evidence		PDP	Discovery just provided by State
CDT	Defendant not transported		DFA	Defendant failed to appear		PAV	Assistant State's Atty. unavailable
CM	Mistrial		DAU	Defense attorney unavailable		ACU	All counsel unavailable
CNR	NCR evaluation		NCA	No court available		PDA	Interpreter unavailable
PI	Competency evaluation		ADM	Administrative closure			

**WAIVER OF MARYLAND RULE 4-271**

The above-named defendant, having been advised of the right to a prompt trial in this case, hereby waives the time requirement of Maryland Rule 4-271 which requires that (s)he be tried within 180 days of his/her first personal appearance, the appearance of counsel or waiver of counsel. The defendant understands that this or future postponement may result in a trial date beyond 180 days and hereby expressly consents thereto.

Defendant: \_\_\_\_\_ Counsel: \_\_\_\_\_ Date: \_\_\_\_\_

Proposed Dates _____ _____ _____	<input type="checkbox"/> Approved <input type="checkbox"/> NOT Approved <input type="checkbox"/> Valid Hicks Waiver <input type="checkbox"/> Good Cause Found  Postponement charged to: <input type="checkbox"/> State <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> Administrative <input type="checkbox"/> No Court Available New Trial Date: _____ Part #: _____ Time: _____ Reason - Judge to select code(s) and insert here: _____  <p style="text-align: right; margin-right: 50px;">Judge's signature: _____</p>
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Revised 5/2014 - Criminal Postponement Form

Form CC-140

White - Court File

Yellow - CAO

Pink - SAO

Gold - Defense Attorney

Blue - Analyst