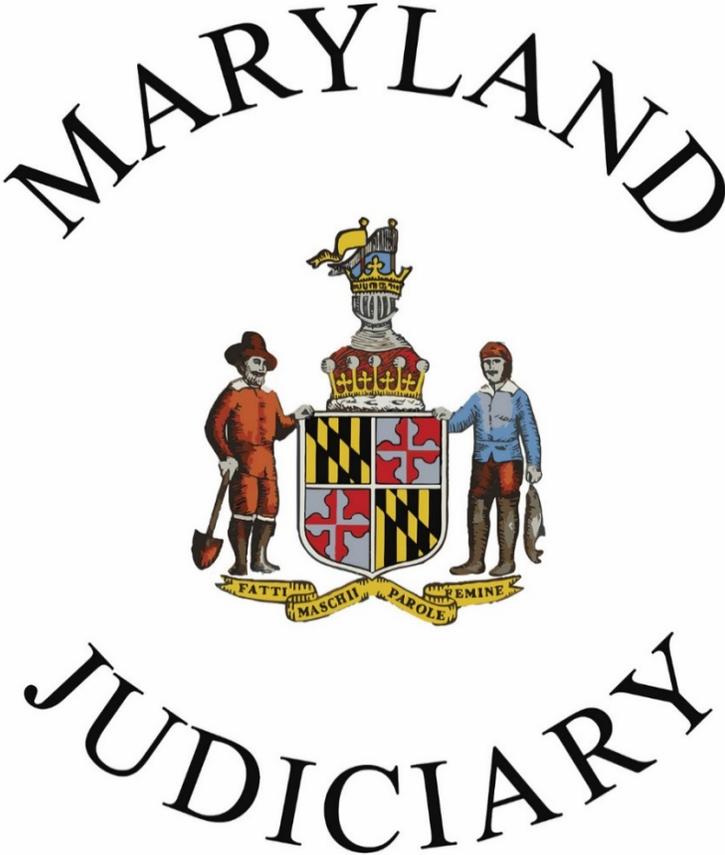


**The Circuit Court for Charles County, Maryland**



**Criminal Differentiated Case Management (DCM) Plan**



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## Introduction

This Criminal Differentiated Case Management (DCM) Plan is established in accordance with Maryland Rule 16-302(b)(1)(A) 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 actions in the circuit court.

## Statement of Purpose

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, must control the pace of litigation. A strong judicial commitment is essential to reducing delay, eliminating backlog, and, once achieved, maintaining a current docket.

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional requirements and applicable Maryland 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 is shorter than 180 days.

## Case Type Summary

Circuit court criminal case processing in Maryland is complex and involves multiple stakeholders, courts, and agencies. It begins with a felony or misdemeanor case that, typically, is first a complaint filed in the District Court. For some felony cases, including homicides, an investigation may occur, and an arrest made, after an indictment by a grand jury.

The DCM plan for circuit court criminal case types includes both felony and misdemeanor cases. Felony cases typically originate in the District Court and are filed as an indictment or information in the circuit court by the State's Attorney. Misdemeanor cases are predominantly heard in the District Court and are filed in circuit court on a prayer for jury trial or an appeal from the District Court, at the request of the defense. If a jury trial is requested in the District Court, the case must be heard in circuit court. A jury trial may be requested by the defendant for any case involving charges carrying a penalty of at least 90 days incarceration at any stage of the process, up to, and including, the date of trial in the District Court.

## Criminal Tracks

A criminal case may follow one of four distinct tracks to resolution. Tracks define: expected case processing events; the timing of events; assignment; and the expectations for case duration. The caseflow 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.

Disposition may include: guilty plea; guilty verdict; not guilty verdict; STET<sup>1</sup>; and entry of *nolle prosequi*<sup>2</sup>. "Disposition" does not include sentencing for guilty pleas or verdicts. Sentencing may occur on the same day as a guilty plea or verdict, or it may be postponed up to 60 days to conduct a pre-sentence investigation. For criminal case tracks, expected case durations are based on a consensus of time needed to reach disposition, which may be less than the time standard. Expected case duration is not a time standard.

### Assignment Office Scheduling

All cases are scheduled based on the assigned track. Cases are assigned a track by the Assignment Office upon receipt of the case for scheduling. Track 1 cases are jury trial

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<sup>1</sup> A case placed on the Stet docket becomes inactive and technically closed in the court system.

<sup>2</sup> A decision made, either before or during trial, resulting in the State's Attorney's Office declining to further pursue the case against the defendant.

prayers and District Court appeals. Track 2 cases are non-violent felonies wherein the State's Attorney's Office and the defendant are each entitled to four peremptory juror challenges (4 and 4). Track 3 cases are felony charges wherein the defendant's exposure is imprisonment for 20 years or more, but less than life imprisonment. The State's Attorney's Office is entitled to five peremptory juror challenges, and the defendant is entitled to 10 peremptory jury challenges (PC10). Track 4 cases are violent felonies, such as murder and rape, wherein the defendant's exposure is life imprisonment. The State's Attorney's Office is entitled to 10 peremptory juror challenges, and the defendant is entitled to 20 peremptory jury challenges (PC20).

The Assignment Office will provide a hearing notice, with all future dates, to be given to the State's Attorney's Office and defendant's attorney at the initial appearance. The Assignment Office will not send additional notices of scheduled hearings, absent a change to scheduled hearing dates or the scheduling of additional dates. The initial dates will not be cleared with the State's Attorney's Office or the defendant/defense attorney.

Co-defendants will be scheduled on the same date for all hearings, with the exception of the trial date. Trial dates for co-defendants will be initially set on different dates, subject to the court's granting a Motion for Joinder.

## Criminal Track Chart

### Track 1 – Jury Trial Prayers, District Court Appeals

Event	Timing
Initial Appearance/Status MUST APPEAR	First Appearance by Defendant
Discovery Status/Regarding Counsel	Within 30 days from Initial Appearance
Pretrial /Plea Hearing	Within one week prior to trial date
Trial	Approximately 60 days from Initial Appearance
Sentencing (if guilty)	Same day or 30 days after verdict, typically

### Track 2 – Non-Violent Felony Cases

Event	Timing
Initial Appearance MUST APPEAR	First Appearance by Defendant
Discovery Status/Regarding Counsel	Within 30 days from Initial Appearance
Motions Hearing	Approximately 30 days prior to trial
Pretrial/Plea Hearing	Within one week prior to trial date
Trial	Approximately 90 days from Initial Appearance
Sentencing (if guilty)	Same day or within 60 days after trial, typically

### Track 3 – Felony Cases

Event	Timing
Initial Appearance MUST APPEAR	First Appearance by Defendant
Discovery Status/Regarding Counsel	Within 30 days from Initial Appearance
Motions Hearing	Approximately 60 days prior to trial
Pretrial/Plea Hearing	Within one week prior to trial date
Trial	Approximately 120 days from Initial Appearance
Sentencing (if guilty)	Same day or within 60 days after trial, typically

### Track 4 – Complex Cases

Event	Timing
Initial Appearance MUST APPEAR	First Appearance by Defendant
Regarding Counsel (if needed)	Within 14 days from Initial Appearance
Scheduling Conference	Within 30 days from Initial Appearance
Discovery Status	To be set at Scheduling Conference
Motions Hearings	To be set at Scheduling Conference
Pretrial/Plea Hearing	Within one week prior to trial
Trial	Approximately 120 - 150 days from Initial Appearance
Sentencing (if guilty)	Same day or within 60 days after trial, typically

## Track 1 - Jury Trial Prayers (JTP) And District Court Appeal Cases

The right to a trial by jury attaches to criminal charges punishable by more than 90 days in prison.

A District Court defendant facing misdemeanor charges may request a jury trial at any time during the process, up to, and including, the trial date in District Court. Many defendants with citation offenses do not generally have a right to a jury trial, because the maximum penalty for all charges is below the minimum threshold for a jury trial.

Appeals from the District Court are *de novo*<sup>3</sup> trials, regardless of penalty, in the circuit court.

### Filing

Jury trial prayers (JTPs) are filed in the District Court upon demand by the defense. The District Court transfers a case when a jury trial is prayed to the circuit court within 10-14 days of the demand. Appeals from District Court must be filed by the defense within 30 days of entry of a judgment or order.

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<sup>3</sup> A new trial on the merits

**Scheduling**

All JTPs and District Court appeals are scheduled for trial within 60 days of the defendant's first appearance in the circuit court. No judge assignment will be made until after the plea or trial date. The judge who presided over the plea/trial will be assigned for sentencing. Initial hearing dates will not be cleared with counsel. Any postponements based on officer, witness or attorney unavailability must be filed, in writing, within two weeks of the initial appearance.

**Initial Appearance/Status Hearing**

An initial appearance/status hearing is scheduled to be held two weeks after the week a JTP is demanded. District Court appeals are scheduled for an initial appearance within 30 days after the receipt of the District Court appeal. At the initial appearance/status, the court will advise an unrepresented defendant of the right to counsel and provide a referral to the Office of the Public Defender, if requested. The court will also inquire as to the status of discovery (was discovery provided to the defendant/defendant's attorney in District Court). The defendant and counsel must appear at the Initial Appearance/Status hearing. The defendant may plead guilty at this hearing.

**Discovery Status/Regarding Counsel Hearing**

For most JTPs and District Court appeals, formal discovery in the circuit court is not required, with the expectation that discovery took place in the District Court. A discovery status/regarding counsel hearing will be scheduled within 30 days of the defendant's first appearance in circuit court. The court will inquire as to: the status of discovery; whether or not the defendant has representation; and whether plea negotiations have occurred. If the defendant does not have counsel, he/she will be advised, again, of his/her right to representation and that, if he/she appears at the next hearing without an attorney, he/she may be deemed to have waived the right to an attorney, and the case may proceed with the defendant representing himself/herself. The defendant must appear at the discovery status/regarding counsel hearing unless counsel has entered their appearance. Defendant's counsel may waive defendant's appearance at the discovery status/regarding counsel

hearing. The defendant may plead guilty at this hearing.

### **Pretrial/Plea Hearing**

A pretrial/plea hearing will be scheduled one week prior to the trial date. Any unresolved pretrial motions will be addressed at this time. At the pretrial/plea hearing, the State's Attorney and defense counsel must present either a negotiated plea agreement, or a jointly-signed trial readiness checklist. If the parties reach a plea agreement, the judge will take the plea on that date.

A trial readiness checklist will include the following elements:

1. All discovery has been completed;
2. All "mandatory" motions, other than permitted dispositive motions, have been submitted;
3. Number, names and addresses of witnesses who may be called to testify at trial;
4. A statement that the parties have, in good faith, attempted to resolve the matter; and
5. A statement that both sides are prepared to go to trial on the trial date.

The defendant shall be present at the pretrial/plea hearing, as the pretrial/plea hearing is expected to be a meaningful event. The defendant's attendance at a pretrial/plea hearing may not be waived. If the defendant is represented by counsel, the principal attorney responsible for the representation of defendant and the principal prosecutor assigned to the case shall be present. The defendant may plead guilty at this hearing.

If the parties negotiate a plea agreement after the pretrial/plea hearing, it is the responsibility of the attorneys to notify the Assignment Office no later than 4:00 p.m. the workday prior to trial, that a jury is no longer needed for the case. The defendant may plead guilty on the trial date.

**Trial**

JTP and District Court appeal trials will be scheduled on a date approximately 60 days of the first scheduled event in the circuit court. The judge will determine the order in which trials will commence. The court will make every effort to dispose of all scheduled trials on the trial date. Any postponement requests will be addressed by the County Administrative Judge or his/her designee.

**Sentencing**

Sentencing may take place immediately following the entry of a guilty plea or a guilty verdict. If a pre-sentence investigation (PSI) is ordered, the sentencing hearing should be held within 30 days after the plea or trial date.

**Track 2 - Non-Violent Felony Cases**

Track 2 cases are primarily non-violent felony cases under the original jurisdiction of the circuit court.

**Filing**

All Track 2 cases are initiated in the circuit court by the State's Attorney by Information or Indictment by the grand jury.

**Scheduling**

The trial date must be scheduled within 30 days after the entry of appearance of counsel or the first appearance of the defendant, whichever occurs first. The trial date shall be set within 90 days of these events. When the trial date is set at the initial appearance, the defendant/defendant's attorney is informed of the dates and receives a hearing notice. No judge assignment will be made until after the plea or trial date. The judge who presided over the plea/trial will be assigned for sentencing. Initial hearing dates will not be cleared with counsel. Any motions for postponements based on officer, witness or attorney unavailability must be filed, in writing, within two weeks of the initial appearance.

**Initial Appearance**

An initial appearance is required in circuit court when a defendant has been arrested on a warrant and brought directly to circuit court, or appears following the issuance of a felony summons by a law enforcement officer. The purpose of the initial appearance is to:

1. Inform defendant of charges and possible penalties;
2. Advise the defendant of the right to counsel and provide referral to the Office of the Public Defender, if requested; and
3. Ensure the defendant has a copy of the charging document.

The defendant must appear at the Initial Appearance. The defendant may plead guilty at this hearing.

**Discovery Status/Regarding Counsel Hearing**

A discovery status/regarding counsel hearing will be scheduled for Track 2 cases within 30 days of the defendant's initial appearance in circuit court. The court will inquire as to: the status of discovery; whether or not the defendant has representation; and whether plea negotiations have occurred. If the defendant does not have counsel, he/she will be advised, again, of his/her right to representation and that, if he/she appears at the next hearing without an attorney, he/she may be deemed to have waived the right to an attorney, and the case may proceed with the defendant representing himself/herself. The defendant must appear at the discovery status/regarding counsel hearing unless counsel has entered their appearance. Defendant's counsel may waive defendant's appearance at the discovery status/regarding counsel hearing. The defendant may plead guilty at this hearing.

**Motions Hearing**

A motions hearing will be scheduled for all Track 2 cases approximately 30 days prior to trial. Some motions may be heard in court or decided by a judicial ruling by written order, without a hearing. A response to a motion, if made, must be filed within 15 days after

service of the motion. Hearings on motions must be held, where practicable, before the day of trial.

Mandatory motions include matters that must be raised, or may be automatically waived, 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 filings, and filed within 5 days of receipt of discovery. Mandatory motions include:

1. Defect in the institution of the prosecution;
2. Defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;
3. Unlawful search and seizure, interception of wire or oral communication, or pretrial identification;
4. Unlawfully obtained admission, statement or confession; and
5. Request for joint or separate trials of defendants or offenses.

The defendant's attendance at a motions hearing may not be waived, unless mandatory motions have been withdrawn prior to the motions hearing date.

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.

The defendant may plead guilty at the motions hearing.

### **Pretrial/Plea Hearing**

A pretrial/plea hearing will be scheduled one week prior to the trial date. Any unresolved pretrial motions will be addressed at this time. At the pretrial/plea hearing, the State's Attorney and defense counsel must present either a negotiated plea agreement, or a jointly-signed trial readiness checklist. If the parties reach a plea agreement, the judge will take the

plea on that date.

A trial readiness checklist will include the following elements:

1. All discovery has been completed;
2. All “mandatory” motions, other than permitted dispositive motions, have been submitted;
3. Number, names and addresses of witnesses who may be called to testify at trial;
4. A statement that the parties have, in good faith, attempted to resolve the matter; and
5. A statement that both sides are prepared to go to trial on the trial date.

The defendant shall be present at the pretrial/plea hearing, as the pretrial/plea hearing is expected to be a meaningful event. The defendant’s attendance at a pretrial/plea hearing may not be waived. If the defendant is represented by counsel, the principal attorney responsible for the representation of defendant and the principal prosecutor assigned to the case shall be present. The defendant may plead guilty at this hearing.

If the parties negotiate a plea agreement after the pretrial/plea hearing, it is the responsibility of the attorneys to notify the Assignment Office no later than 4:00 p.m. the workday prior to trial, that a jury is no longer needed for the case. The defendant may plead guilty on the trial date.

### **Trial**

Track 2 case trials will be scheduled on a date approximately 90 days of the initial appearance in the circuit court. The court will determine the order in which trials will commence. The court will make every effort to dispose of all scheduled trials on the trial date. Any postponement requests will be addressed by the County Administrative Judge or his/her designee. The defendant may plead guilty at this hearing.

## **Sentencing**

Sentencing may take place immediately following the entry of a guilty plea or a guilty verdict. If a pre-sentence investigation (PSI) is ordered, the sentencing hearing should be held within 60 days after the plea or trial date.

## **Track 3 - Felony Cases**

Track 3 cases are felony cases under the original jurisdiction of the circuit court wherein the defendant's exposure is imprisonment for 20 years or more, but less than life.

## **Filing**

All are initiated in the circuit court by the State's Attorney by Information or Indictment by the grand jury.

## **Scheduling**

The trial date must be scheduled within 30 days after the entry of appearance of counsel or the first appearance of the defendant, whichever occurs first. The trial date shall be set within 120 days of these events. When the trial date is set at the initial appearance, the defendant/defendant's attorney is informed of the dates and receives a hearing notice. No judge assignment will be made until after the plea or trial date. The judge who presided over the plea/trial will be assigned for sentencing. Initial hearing dates will not be cleared with counsel. Any motions for postponements based on officer, witness or attorney unavailability must be filed, in writing, within two weeks of the initial appearance.

## **Initial Appearance**

An initial appearance is required in circuit court when a defendant has been arrested on a warrant and brought directly to circuit court, or appears following the issuance of a summons. The purpose of the initial appearance is to:

1. Inform defendant of charges and possible penalties;

2. Advise the defendant of the right to counsel and provide referral to the Office of the Public Defender, if requested; and
3. Ensure the defendant has a copy of the charging document.

The defendant must appear at the Initial Appearance. The defendant may plead guilty at this hearing.

### **Discovery Status/Regarding Counsel Hearing**

A discovery status/regarding counsel hearing will be scheduled for Track 3 cases within 30 days of the defendant's initial appearance in circuit court. The court will inquire as to: the status of discovery; whether or not the defendant has representation; and whether plea negotiations have occurred. If the defendant does not have counsel, he/she will be advised, again, of his/her right to representation and that, if he/she appears at the next hearing without an attorney, he/she may be deemed to have waived the right to an attorney, and the case may proceed with the defendant representing himself/herself. The defendant must appear at the discovery status/regarding counsel hearing unless counsel has entered their appearance. Defendant's counsel may waive defendant's appearance at the discovery status/regarding counsel hearing. The defendant may plead guilty at this hearing.

### **Motions Hearing**

A motions hearing will be scheduled for all Track 3 cases approximately 60 days prior to trial. Some motions may be heard in court or decided by a judicial ruling by written order, without a hearing. A response to a motion, if made, must be filed within 15 days after service of the motion. Hearings on motions must be held, where practicable, before the day of trial.

Mandatory motions include matters that must be raised, or may be automatically waived, 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 filings, and filed within 5 days of receipt of discovery. Mandatory motions include:

1. Defect in the institution of the prosecution;
2. Defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;
3. Unlawful search and seizure, interception of wire or oral communication, or pretrial identification;
4. Unlawfully obtained admission, statement or confession; and
5. Request for joint or separate trials of defendants or offenses.

The defendant's attendance at a motions hearing may not be waived, unless mandatory motions have been withdrawn prior to the motions hearing date.

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.

The defendant may plead guilty at the motions hearing.

### **Pretrial/Plea Hearing**

A pretrial/plea hearing will be scheduled one week prior to the trial date. Any unresolved pretrial motions will be addressed at this time. At the pretrial/plea hearing, the State's Attorney and defense counsel must present either a negotiated plea agreement, or a jointly-signed trial readiness checklist. If the parties reach a plea agreement, the judge will take the plea on that date.

A trial readiness checklist will include the following elements:

1. All discovery has been completed;
2. All "mandatory" motions, other than permitted dispositive motions, have been submitted;

3. Number, names and addresses of witnesses who may be called to testify at trial;
4. A statement that the parties have, in good faith, attempted to resolve the matter; and
5. A statement that both sides are prepared to go to trial on the trial date.

The defendant shall be present at the pretrial/plea hearing, as the pretrial/plea hearing is expected to be a meaningful event. The defendant's attendance at a pretrial/plea hearing may not be waived. If the defendant is represented by counsel, the principal attorney responsible for the representation of defendant and the principal prosecutor assigned to the case shall be present. The defendant may plead guilty at this hearing.

If the parties negotiate a plea agreement after the pretrial/plea hearing, it is the responsibility of the attorneys to notify the Assignment Office no later than 4:00 p.m. the workday prior to trial, that a jury is no longer needed for the case. The defendant may plead guilty on the trial date.

### **Trial**

Track 3 case trials will be scheduled on a date approximately 120 days of the initial appearance in the circuit court. The court will determine the order in which trials will commence. The court will make every effort to dispose of all scheduled trials on the trial date. Any postponement requests will be addressed by the County Administrative Judge or his/her designee. The defendant may plead guilty at this hearing.

### **Sentencing**

Sentencing may take place immediately following the entry of a guilty plea or a guilty verdict. If a pre-sentence investigation (PSI) is ordered, the sentencing hearing should be held within 60 days after the plea or trial date.

## **Track 4 - Complex/Major Felony Cases**

Track 4 cases are complex/major felony cases (such as murders, rapes, etc.) under the jurisdiction of the circuit court. All are initiated in the circuit court by the State's Attorney by Information or Indictment. Track 4 cases will be assigned a judge who will handle all aspects of the case.

### **Scheduling**

The trial date must be scheduled within 30 days after the entry of appearance of counsel or the first appearance of the defendant, whichever occurs first. The trial date shall be set within 120-150 days of these events. Track 4 complex/major felony cases will be assigned to a judge selected randomly by the court computer system. Track 4 cases will be assigned a trial date at the scheduling conference.

### **Initial Appearance**

An initial appearance is required in circuit court when a defendant has been arrested on a warrant and brought directly to circuit court, or appears following the issuance of a summons. The purpose of the initial appearance is to:

1. Inform defendant of charges and possible penalties;
2. Advise the defendant of the right to counsel and provide referral to the Office of the Public Defender, if requested; and
3. Ensure the defendant has a copy of the charging document.

The defendant must appear at the Initial Appearance. The defendant may plead guilty at this hearing.

### **Regarding Counsel**

If the defendant is not represented at the initial appearance by counsel, a regarding counsel hearing will be scheduled two weeks after the initial appearance to confirm whether the

defendant has applied to the Office of the Public Defender for services, has retained private counsel, has elected to represent himself/herself, or has taken no action. If an attorney's appearance is entered prior to the Regarding Counsel hearing date, the defendant will not need to appear, and the date will be vacated. If no attorney's appearance has been entered, the defendant must appear and will be advised, again, of his/her right to representation and that, if he/she appears at the next hearing without an attorney, he/she may be deemed to have waived the right to an attorney, and the case may proceed with the defendant representing himself/herself.

### **Scheduling Conference**

A scheduling conference with the assigned judge and the assigned Assistant State's Attorney and the defendant or defendant's attorney will be set for Track 4 cases within 30 days of the initial appearance in the circuit court. Discovery issues and all dates, including the trial date, will be set with the assistance of the Assignment Office at the scheduling conference.

### **Discovery Status**

A discovery status will be scheduled as determined at the scheduling conference. The court will inquire as to the status of discovery, whether or not the defendant has representation, and whether plea negotiations have occurred. Defendant's counsel may waive defendant's appearance at the discovery status hearing. The defendant may plead guilty at this hearing.

### **Motions Hearing**

A motions hearing will be scheduled as determined at the scheduling conference for all Track 4 cases. Some motions may be heard in court or decided by a judicial ruling by written order, without a hearing. A response to a motion, if made, must be filed within 15 days after service of the motion. Hearings on motions must be held, where practicable, before the day of trial.

Mandatory motions include matters that must be raised, or may be automatically waived, 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 filings, and filed within five days of receipt of discovery. Mandatory motions include:

1. Defect in the institution of the prosecution;
2. Defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;
3. Unlawful search and seizure, interception of wire or oral communication, or pretrial identification;
4. Unlawfully obtained admission, statement or confession; and
5. Request for joint or separate trials of defendants or offenses.

The defendant's attendance at a motions hearing may not be waived, unless mandatory motions have been withdrawn prior to the motions hearing date.

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.

The defendant may plead guilty at the motions hearing.

### **Pretrial/Plea Hearing**

A pretrial/plea hearing will be scheduled one week prior to the trial date. Any unresolved pretrial motions will be addressed at this time. At the pretrial/plea hearing, the State's Attorney and defense counsel must present either a negotiated plea agreement, or a jointly-signed trial readiness checklist. If the parties reach a plea agreement, the judge will take the plea on that date.

A trial readiness checklist will include the following elements:

1. All discovery has been completed;

2. All “mandatory” motions, other than permitted dispositive motions, have been submitted;
3. Number, names and addresses of witnesses who may be called to testify at trial;
4. A statement that the parties have, in good faith, attempted to resolve the matter; and
5. A statement that both sides are prepared to go to trial on the trial date.

The defendant shall be present at the pretrial/plea hearing, as the pretrial/plea hearing is expected to be a meaningful event. The defendant’s attendance at a pretrial/plea hearing may not be waived. If the defendant is represented by counsel, the principal attorney responsible for the representation of defendant and the principal prosecutor assigned to the case shall be present. The defendant may plead guilty at this hearing.

If the parties negotiate a plea agreement after the pretrial/plea hearing, it is the responsibility of the attorneys to notify the Assignment Office no later than 4:00 p.m. the workday prior to trial, that a jury is no longer needed for the case. The defendant may plead guilty on the trial date.

### **Trial**

Track 4 case trials will be scheduled on a date approximately 120-150 days of the initial appearance in the circuit court. The court will determine the order in which trials will commence. The court will make every effort to dispose of all scheduled trials on the trial date. Any postponement requests will be addressed by the Administrative Judge or his/her designee. The defendant may plead guilty at this hearing.

### **Sentencing**

Sentencing may take place immediately following the entry of a guilty plea or a guilty verdict. If a pre-sentence investigation (PSI) is ordered, the sentencing hearing should be held within 60 days after the plea or trial date.

**Post-Judgment Hearings**

All violation of probation hearings and any other post-judgment hearings will be scheduled as directed by the trial judge.

**Criminal Postponement Policy**

It is the policy of the Circuit Court for Charles County, Maryland to provide timely justice for citizens. For all of its case types and dockets, the court discourages requests to postpone court events.

Pursuant to Maryland Rule 16-105(d), trial postponement requests shall be considered by the County Administrative Judge or his/her designee. The County Administrative Judge or his/her designee shall be authorized to make good cause findings and to rule on waivers of the *Hicks* requirement. Postponement of criminal trial dates shall be handled on the record, with the defendant present.

Postponement motions must be in writing. Each postponement motion must state the reason(s) and the opposing party's position. The court will grant a postponement only for good cause shown. The court will evaluate, on a case-by-case basis, whether sufficient cause justifies a postponement. As a guide for practitioners, the following reasons will, generally, not be considered sufficient cause to grant a postponement:

1. Counsel or the parties agree to a postponement;
2. The case has not previously been postponed;
3. Discovery has not been completed;
4. New counsel has entered an appearance or a party wants to retain new counsel;
5. Unavailability of a witness who has not been subpoenaed;
6. A party or counsel is unprepared to try the case for reasons including, but not limited to, the party's failure to maintain necessary contact with counsel;

7. The failure to schedule a hearing on a suppression motion on a timely basis unless the prosecution failed to comply with a discovery order;
8. A police officer or other witness is either in training or is scheduled to be on vacation, unless the court is advised of the conflict with two weeks after the case is scheduled and sufficiently in advance of the trial date; or
9. Any postponement of trial beyond a second trial date setting.

The following may be considered good cause to grant a postponement:

1. Sudden medical emergency or death of a party, counsel, or material witness who has been subpoenaed;
2. A party did not receive notice of the trial date, through no fault of that party or that party's counsel;
3. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the court, would likely cause undue hardship or miscarriage of justice if the trial were required to proceed as scheduled;
4. Unanticipated unavailability of a material witness who has been subpoenaed; or
5. Sudden illness or family emergency of counsel.

Postponement requests will generally be handled on the record, with all parties present. Any granting of a request for postponement which results in a *Hicks* waiver or the court's having to find good cause, must be done on the record, with all parties present.

## **Postponement Policy - Track 4- Complex/Major Felony Cases (Specially Assigned Cases)**

Except as stated below, this limitation on postponement authority applies to all cases in the circuit court, including cases that are specially assigned to a judge. The procedures for postponing specially assigned cases are set forth below.

If the case is a Track 4 specially assigned case, subsequent case management decisions and scheduling will be determined by the specially assigned judge consistent with the Case Time Standards. However, pursuant to Maryland Rule 16-105(d)(2), all postponements or scheduling that affects the trial date or the 180 day *Hicks* period, must be made by the County Administrative Judge or his/her designee. The County Administrative Judge or his/her designee will confer with the specially assigned judge for a recommendation as to the postponement and to clear new court dates on the assigned judge's calendar. The scheduling or rescheduling of all specially assigned cases must also be cleared through the Assignment Office.

### **Same Day Postponement Requests**

Counsel requesting postponement of a case on the day it is set for trial or hearing shall bring it to the court's attention prior to commencement of the court session. The matter shall immediately be referred to the County Administrative Judge or his/her designee for consideration of the postponement request. If the postponement request is denied, the case shall be referred back to the criminal docket judge for further handling.

### ***Hicks* Issues**

If the postponement of any event will implicate the *Hicks* Rule, the defendant must either waive his 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. If necessary, counsel may coordinate the scheduling of a postponement/*Hicks* waiver hearing with the chambers of the County Administrative Judge or his/her designee.

### **Violations of Probation, Sentencing, and Other Post-Judgment Hearings**

The limitations contained in this policy do not apply to postponement requests for the following hearing types: motion for new trial, sentencing, modification or reconsideration

of sentence, violation of probation; post-conviction; *coram nobis*<sup>4</sup>, or any other post-judgment hearing. In those matters, the judge to whom the case is assigned shall rule on any requests for postponement.

## Interpreters

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court by using the Request for Interpreter form (CC-DC-41), which is available on the Maryland Judiciary web site ([www.mdcourts.gov](http://www.mdcourts.gov)). 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 is 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 scheduled and shall notify the court immediately if the need for the interpreter changes. If a request for interpreter is not canceled at least 48 hours in advance of the trial or hearing, the court will be billed for the interpreter's services.

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<sup>4</sup> The designation of a remedy for setting aside an erroneous judgment that resulted from an error of fact in the proceeding.