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Conference of Circuit Judges

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Meeting of the Conference of Circuit Judges

A meeting of the Conference of Circuit Judges was held Monday, March 25, 2024, via Zoom for Government, beginning at 9:30 a.m.

Members Present

Hon. Audrey J. S. Carrión, Chair
Hon. Fred S. Hecker, Vice Chair

Hon. James A. Bonifant

~~Hon. Donine M. Carrington Martin~~

Hon. DaNeeka V. Cotton

Hon. Yolanda L. Curtin

Hon. William W. Davis, Jr.

Hon. Jeffrey S. Getty

Hon. Stacy A. Mayer

~~Stephanie Medina~~

~~Hon. Dana M. Middleton~~

Hon. Vicki M. Pauler

Hon. Richard J. Sandy

Hon. S. James Sarbanes

Hon. Brenda A. Sexton

Hon. Brian D. Shockley

Hon. Richard R. Trunnell

Hon. Kevin R. Tucker

Also Present:

Rebecca Allyn

Melissa Canada (staff)

Nancy Faulkner

Kelley O'Connor

Judy Rupp

1. Welcome and Approval of Minutes – Hon. Audrey J.S. Carrión

Judge Audrey J.S. Carrión opened with a reminder that the meeting was being livestreamed for the public to view. She welcomed Judge William W. Davis, Jr., who replaced Judge Stephen H. Kehoe following his appointment to the Appellate Court of Maryland. Judge Carrión then moved for approval of the meeting minutes from January 22, 2024. Judge Fred S. Hecker made a motion to approve the minutes, with a second from Judge Brian D. Shockley. After hearing no objections, the amended minutes were approved.

2. Crime Victim Notification Request and Demand for Rights Form – *Rebecca Allyn*

Rebecca Allyn, the Victim Services Program Manager at the Governor’s Office of Crime Prevention and Policy, discussed the Crime Victim Notification Request and Demand for Rights (CVNR) Form, created pursuant to CP § 11-104. The form was mandated to ensure victims receive the appropriate services and are treated with respect and compassion throughout the criminal process. It allows victims the right to be informed of all events related to their case and attend court proceedings if they wish to do so. The State’s Attorney’s Office (SAO) is required by law to provide the CVNR within 10 days of the filing of formal charges. The Maryland State Board of Victim Services (MSBVS), who is responsible for the form, identified gaps and hope to improve the filing process with the assistance of the Conference.

The CVNR currently comes as a 6-part carbon copy form that allows proper notification to multiple stakeholders. When a victim submits the form, the SAO provides a copy to the clerk or juvenile court either electronically in MDEC jurisdictions or over the counter in Baltimore City. If the defendant is detained, the clerk sends a copy to the detention facility as well as the Department of Parole & Probation, when applicable. Additional copies are provided under various circumstances, such as appeals and transfers to different commitment facilities.

Baltimore City is scheduled to go-live with MDEC on May 6, 2024. At that point, the instructions on the back of the form will be outdated and the MSBVS is evaluating whether the multi-copy form is necessary. In addition, the process for filing the form varies in different jurisdictions and local probation and detention facilities have reported not receiving copies. This creates a delay in notifying victims, which ultimately violates their rights.

In 2014, an MDEC System Protocol was developed for criminal and juvenile cases. The protocol has not yet been implemented. Ms. Allyn is meeting with stakeholders to ensure a solid understanding of the issues in order to improve the process. As a result, a Standard Operating Procedure will be developed to include uniform CVNR filing instructions. If judges have any comments or feedback regarding the CVNR form, please email Ms. Allyn at Rebecca.Allyn@maryland.gov.

3. Home Detention Program Funding – *Judy Rupp*

As many are aware, the federal funding available to support the home detention monitoring program rapidly declined in February. Over 650 individuals are currently monitored, and an agreement was reached to validate all invoices received through February 16, 2024. Beginning March 4, 2024, invoices will be covered by state/Judiciary funds. Payment agreements with the five monitoring agencies were re-evaluated and invoices must be submitted no more than 60 days following the individual’s inception into the program. The Judiciary will not pay invoices submitted beyond 60 days.

Moving forward, the hope is for the Judiciary to be a part of the workgroup planned in last year’s legislation (HB859) to assist in oversight and exploration of permanent funding options. Judge Curtin remarked that she received notice of successful completion of a

program for an individual whose home detention order had been terminated and inquired whether the Judiciary was required to pay through the completion date. Ms. Rupp indicated that the validation process is to cross-reference the court order rather than rely solely on the dates listed on an invoice to ensure the Judiciary is only paying for the days home monitoring is authorized. The Judiciary's focus at this point is to ensure funding is available, and the workgroup will focus on the operational aspect of the program.

4. The Effect of the Cross Designation Order | Non-Court Hours Emergency Petitions - *Hon. Audrey J. S. Carrión*

The last paragraph of the most recent cross designation order states, "...to continue to sit as a judge of those courts in each case that the judge has heard or which has been submitted to the judge during that period until the judge has finally determined and acted upon them, including any incidental matters related to those cases arising before or after June 30, 2024." Some jurisdictions questioned whether the language should be interpreted to include non-court hours such as warrant duty. Clerk Greg Hilton brought the concern to Chief Justice Fader who clarified the order refers to cases and not non-court hours.

Judge Hecker indicated there are several unreported opinions available on this issue. In *Royal Quinn v. State of Maryland*, the defense challenged the authority of a cross designated judge to issue a search warrant outside of their circuit court jurisdiction. The Appellate Court opined that the judge did in fact have the authority, citing that cross designated judges have the same power by rule and Maryland Constitution.

5. For the Good of the Order

Judge S. James Sarbanes inquired about the status of SB827 regarding the voir dire process. Judge Stacy A. Mayer, chair of the Legislative Committee, reported the bill passed the senate with heavy support and is currently in the house where it has not been as well-received. Several concerns were raised by trial judges, including the false implication that the bill would have no fiscal impact, the privacy of the jurors, and the ambiguous language of the bill. It elevates information gathering for peremptory challenges to cause challenges, but does not indicate how it is to be interpreted or the judge's authority to control the time and number of questions. The senate committee believes the judge's authority is inherent, but the language does not particularly indicate such.

In addition, a question was raised whether the Legislative branch fully understands the impact as it relates to Judiciary resources and the ability to progress cases. Chief Justice Fader's position is that the Rules Committee should take up the issue and thoroughly review the voir dire process. However, regardless of the impact, the Legislative branch has the authority to pass certain procedures that the Judiciary branch is required to implement.

Having no further items to discuss, the meeting ended at 10:05 am. The next meeting is scheduled for Monday, May 20, 2024, via Zoom for Government, beginning 9:30 a.m.