

**CIRCUIT COURT FOR DORCHESTER COUNTY,  
MARYLAND**

**DIFFERENTIATED CASE MANAGEMENT PLAN**

***CRIMINAL CASES***

**Effective October 1, 2017**

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## PREAMBLE

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 16-202(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 Dorchester County and is a product of the collaborative effort of the Dorchester County administrative judge, the circuit court administrator, the clerk of the circuit court, the Office of the State's Attorney, the Office of the Public Defender, and the District Court for Dorchester County in accordance with Rule 16-302(b)(3)(B). 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 Dorchester County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Further, this plan is prepared within the confines of case time standards. Additionally, the plan does not purport to override any requirements of the Maryland Rules or the Annotated Code of Maryland.

## CRIMINAL INFORMATION or INDICTMENT

### Commencement

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 arraignment 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.

### Arraignment

Once the defendant is served and a warrant return is made, an arraignment 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 arraignment, 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 defendant is given an Advice of Rights form, asked to sign the form, and provide his/her current home address. A copy of the Advice of

Rights form is appended hereto as “Criminal Attachment 1”. 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. The court also issues an order to appear for a scheduling conference in the form appended hereto as “Criminal Attachment 2”.

## Scheduling Conference

Generally, the scheduling conference is set three (3) weeks after the arraignment in order to allow the defendant time to secure private counsel or apply to the Office of the Public Defender. Two (2) weeks prior to the scheduling conference, the county administrative judge reviews the pleadings. The judge gives his/her best estimate as to the nature of the case (minor, moderate, major) and the number of days required for trial so that the clerk may identify potential trial dates in advance of the scheduling conference. One (1) week prior to the scheduling conference, the county administrative judge, with the assistance of the judicial clerk, will review and summarize the nature of the case and formulate a scheduling outline in preparation for the scheduling conference. At the scheduling conference, the state, the defendant and the defendant’s attorney appear. The presiding judge inquires as to whether any special issues exist which could affect the scheduling of the case. In accordance with Md. Rule 4-271(a) and Md. Code, Criminal Procedure, § 6-103(a)(2), the trial date may not be later than 180 days after the earlier of either the entry of appearance of counsel or the first appearance of the defendant before the circuit court. Minor cases, including jury trial prayers and district court appeals, are typically set for trial ninety (90) days after arraignment. For moderate or major cases, primarily serious felonies, a trial date is typically set 120-150 days after the date of arraignment. For those cases that involve forensic testing (e.g. DNA, fingerprints, ballistics) the trial is set closer to the 150 day mark.

## Status Conference

In moderate and major cases, a status conference is set approximately two (2) weeks prior to the motions date so that the court may determine that discovery has been provided, that the original estimate of trial time is accurate, and the case is on track.

## Motions Hearing

For each case, a motions hearing is scheduled approximately 45 days prior to trial. An additional and earlier motions hearing is scheduled if it appears that there may be an issue as to competency/criminal responsibility or if a motion to transfer is filed by a juvenile defendant. Motions hearings, even if scheduled, are not held, as determined by the court, if dispositive or evidentiary motions that may require a hearing or oral argument are not filed by the parties.

## Pretrial Conference

A pretrial conference is set to be held either the first day of the week in which the trial is scheduled or the week prior. At the pretrial conference, it is determined whether a jury trial is expected or whether the case will result in a bench trial or plea. Also, the pretrial conference is used to ensure that proposed *voir dire* and jury instructions are filed in those cases that are going to jury trial. The pretrial conference is also an opportunity for the court to consider any motions

*in limine*. If it is determined that a case will result in a plea, a plea is either taken on the day of the pretrial conference or some other date mutually agreed upon by the judge, state and defense counsel. A copy of a Criminal Scheduling Order is appended hereto as “Criminal Attachment 3”.

## Sentencing

After a trial is completed and if it results in a conviction, sentencing is either held on the date of trial or at a later date mutually agreed upon by the judge, state and defense. If a pre-sentence investigation is ordered, sentencing is typically set for approximately sixty (60) days after the date of conviction.

## Violation of Probation

Subsequent to sentencing and when a defendant is alleged to have violated a condition of probation, the Division of Parole and Probation will file a petition for violation with the court. The petition will be sent to the sentencing judge, if available, for review and action. If the alleged probation violation is minor in nature, in most instances the judge will order that the clerk issue a summons for the defendant to appear before the court on a day when violations of probation (VOPs) are scheduled for the purpose of arraignment. At arraignment, the court confirms that the defendant has received a copy of the petition for violation, advises the defendant of his/her right to counsel, advises defendant of the potential punishment, sets a date for the Violation of Probation Hearing and issues an Order to Appear in the form appended hereto as “Criminal Attachment 2”. For more serious probation violations, at the request of the Division of Parole and Probation, or the court on its own accord, will typically issue a Warrant for the defendant. Upon apprehension, the defendant will be brought before the circuit court immediately, or the first day a judge is available after apprehension, for arraignment. After consultation with the county administrative judge, the clerk will contact the state’s attorney and the public defender or the private counsel of record and notify them of the VOP arraignment. At arraignment, the court confirms that the defendant has received a copy of the petition for violation; advises the defendant of his or her right to counsel; advises defendant of the potential punishment; reviews the amount of bond set; and establishes a hearing date at a time when the charges underlying the failure to obey all laws violation has been adjudicated. If the defendant is released on their own recognizance, they are given an Order to Appear also set forth on “Criminal Attachment 2”.

## CRIMINAL JURY TRIAL PRAYERS and APPEALS FROM DISTRICT COURT

The right to a trial by jury attaches to criminal charges punishable by a sentence of more than ninety (90) days. 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. If a jury trial is prayed in a case which would normally be heard in district court, and the defendant is unrepresented and not incarcerated,

the district court hand delivers a summons to the defendant advising the defendant of a date to appear in circuit court for arraignment. Typically, the date set for arraignment is approximately three (3) weeks after the jury trial is demanded. If the defendant is represented by counsel, the case is set for scheduling in the normal course by the clerk and an order to appear for scheduling conference is sent to interested parties. The process of arraignment is substantially the same as that in cases coming to the court by information or indictment.

In cases which are appealed from the district court, the case is heard *de novo*, regardless of penalty, in the circuit court. Summonses are issued for the defendant to appear for arraignment, or if the defendant is incarcerated, the clerk notifies the state's attorney's office by memo requesting service instructions. An arraignment date is set, the warrant is issued, and the warden is notified to deliver the defendant to court. Cases coming before the circuit court by jury trial prayer or appeal are typically scheduled for 90-120 days after arraignment. However, appeals for non-incarcerable offenses, such as minor traffic violations, are set to be heard within 60-90 days from the date of arraignment. Such cases are generally scheduled for trial on select days of the week or month and in relatively large number. Sentencing in cases coming to the circuit court by jury trial prayer or appeal is typically conducted on the day of conviction, unless the court finds good cause to defer sentencing.

## 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.

## DIVERSION or EARLY RESOLUTION

Diversion or early resolution may occur at the discretion of the state's attorney with concurrence of the defendant and/or victim.

## SPEEDY 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.

## CONTINUANCE POLICY

This plan incorporates and is not intended to conflict with Md. Rule 16-804 Continuances or Postponements for Conflicting Case Assignments or Legislative Duties, which was derived from the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties by The Honorable Chief Judge Robert C. Murphy, effective May 15, 1995. Additionally, the court follows the First Judicial Circuit's Postponements/Continuance Policy, which was adopted October 23, 2006 as follows:

### Postponement/Continuance Policy - First Judicial Circuit Dorchester-Somerset-Wicomico-Worcester Counties

The purpose of this policy is to promote timely disposition and to avoid unnecessary delays in processing cases within the courts of the First Judicial Circuit of Maryland. The policy reflects the Maryland Judicial Council's definitions of postponement as *a proceeding that was not held and is being rescheduled* and continuance as *a proceeding that has begun and is extended for additional day(s)*.

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.

#### Requirements for Litigants in Making a Request for Postponement:

- Requests shall be made as soon as counsel/party is aware that a reason for postponement exists.
- Requests, except those involving an emergency, shall be made within five (5) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be made in writing, noting a copy has been forwarded to all counsel/parties.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests shall also include two (2) suggested dates that have been agreed upon by the parties and assignment office within the time limits of Maryland Circuit Court Case Time Standards.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the court may act upon the request *ex parte* or issue an order requiring the parties to attend a scheduling conference.

Postponement requests in criminal cases filed prior to a scheduled hearing or trial shall be acted upon by the county administrative judge or his/her designee. Postponement requests in a criminal matter that takes the case beyond the limits of the *Hicks* rule shall be acted upon by the county administrative judge or his designee.

All postponement requests will be considered in accordance with Md. Rule 4-271 in criminal causes, for good cause shown.

Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the previously scheduled case. Requests for postponements based on conflicting court schedules or legislative duties will be considered and granted by the court pursuant to the administrative order issued by the Court of Appeals and dated May 15, 1995.

In the event that a trial or hearing has commenced but cannot be concluded on the scheduled date(s) and time, the judge or magistrate 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.

The Circuit Court for Dorchester County schedules the vast majority of cases in open court with either a judge or magistrate presiding and in the presence of the parties and/or their counsel; therefore, continuances are granted only in extraordinary circumstances. Great care is taken during the scheduling process to select reasonable dates and to confirm that all parties and counsel are available on those dates. In order to facilitate the timely disposition of cases, it is the policy of the court to grant continuances sparingly.

## ACCOMODATION under the AMERICANS with DISABILITIES ACT

The Circuit Court for Dorchester 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; Code, Courts Article, § 9-114; and Code, Criminal Procedure Article, §§ 1-202 and 3-103.

(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).

## 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.

## 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 August 31, 2017; accordingly, the forgoing plan is approved this 31st day of August, 2017, by the undersigned:

\_\_\_\_\_  
Brett W. Wilson  
County Administrative Judge  
Circuit Court for Dorchester County, Maryland



**CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND**

206 High Street

Cambridge, Maryland 21613

Main: 410-228-0481 Fax: 410-228-1860

**Case Number:**

**Tracking Number:**

**Other Reference Numbers:**

**STATE OF MARYLAND VS**

**Date: 05/23/2017**

**INITIAL APPEARANCE**

The above Defendant appeared before me today pursuant to Maryland Rules 4-213 and 4-215. I have ascertained that the Defendant has received a copy of the charging document(s) and have determined Defendant's eligibility for pre-trial release pursuant to Rule 4-216.

Also, I advised the Defendant;

1. Of the nature of the charges against him/her and any lesser-included offenses, and the range of allowable penalties including mandatory and minimum penalties, if any;
2. That he/she has the right to be represented by a lawyer at every stage of these proceedings;
3. That a lawyer can render important assistance to him/her in determining whether there may be defenses to the charges or circumstances in mitigation thereof and in preparing for and representing him/her at trial;
4. That even if he/she intends to plead guilty, a lawyer may be of substantial assistance in obtaining and developing information which could affect the sentence or other disposition;
5. That if he/she desires a lawyer, he/she must hire a lawyer and have the lawyer enter an appearance within fifteen (15) days;
6. That if he/she is financially unable to hire a lawyer, he/she should apply to the Public Defender as soon as possible for a determination of his/her eligibility to have a lawyer provided for him/her by the Public Defender;
7. That if the Public Defender refuses to provide a lawyer, he/she should immediately notify the Clerk of the Court in writing so that the Court can determine whether it should appoint a lawyer pursuant to Maryland law;
8. That if a lawyer does not enter an appearance within fifteen (15) days from today, a plea of not guilty will be entered pursuant to Sections b(3) and b(4) of Maryland Rule 4-242 and this case will be scheduled for trial;
9. That if he/she appears for trial without a lawyer, the Court could determine that he/she has waived his/her right to have a lawyer by neglecting or refusing to retain a lawyer or to make timely application the Public Defender for a lawyer and in that event, the case would proceed to trial even though he/she was not represented by a lawyer; and
10. That those mandatory pre-trial motions enumerated in Maryland Rule 4-252(a) must be filed within 30 days of your appearance here today.

I am satisfied that the Defendant has the intelligence and the capacity to appreciate the consequences of a decision by him/her not to employ a lawyer or make timely application to the Public Defender for a lawyer and that he/she fully comprehends all of the matters of which I have advised him/her. The above advice was made on the record in open court.

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Judge

I have received a copy of the document. I agree to notify the Clerk of the Court of any change of my address. I agree that I fully understand the advice of the Judge.

---

Telephone Number

---

Defendant

---

Address

---

City, State, Zip

cc: File  
Defendant

*Criminal Attachment 1*



**CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND**

206 High Street  
Cambridge, Maryland 21613  
Main: 410-228-0481 Fax: 410-228-1860

**Case Number:**  
**Tracking Number:**  
**Other Reference Number(s):**

**STATE OF MARYLAND VS**

**Date: 05/23/2017**

**ORDER FOR SCHEDULING CONFERENCE**

IT IS HEREBY ORDERED by the Circuit Court for Dorchester County that the State and the above captioned Defendant shall appear before this Court, located at 206 High Street, Cambridge, Maryland on , at **AM or PM** for a **Scheduling Conference**.

If an attorney has entered an appearance on Defendant's behalf prior to the Scheduling Conference, both the **attorney and the Defendant** are required to attend.

The State, Defendant and Defendant's attorney, if any, shall have their **schedules available** so that additional dates maybe set.

**The failure of the Defendant to appear may result in the issuance of a bench warrant and/or the revocation of bond.**

05/23/2017	/s/
Date	Judge

A copy of this Order was hand-delivered/mailed to Defendant by the Court on 05/23/2017.

*Amy J. Craig*  
Amy J. Craig  
Clerk of the Circuit Court

**Criminal Attachment 2**



**CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND**

206 High Street  
Cambridge, Maryland 21613  
Main: 410-228-0481 Fax: 410-228-1860

**Case Number:**  
**Tracking Number:**  
**Other Reference Number(s):**

**STATE OF MARYLAND VS**

**Date: 05/23/2017**

**SCHEDULING ORDER  
(Criminal)**

THIS ORDER is your only notice of dates and required court appearances. It may not be modified except by Order of Court for good cause shown. At each scheduled court date, the attorney or attorneys responsible for the case, the Defendant and any witnesses required for said appearance shall be present.

The following hearing dates are hereby set:

<b>TYPE OF HEARING</b>	<b>DATE</b>	<b>TIME</b>
Status Conference		AM or PM
Motions Hearing		AM or PM
Pre-Trial Conference		AM or PM
Court Trial		AM or PM
Jury Trial		AM or PM

All proceedings will be held in the Dorchester County Courthouse, located at 206 High Street, Cambridge, Maryland.

Defendant shall report to the assigned courtroom **thirty (30) minutes** prior to any scheduled hearing/trial.

Counsel shall report to the assigned courtroom **thirty (30) minutes** prior to jury trial and no less than **fifteen (15) minutes** prior to any other hearing/trial.

All exhibits shall be marked for identification at least **fifteen (15) minutes** prior to the beginning of the hearing/trial.

Counsel shall submit voir dire requests and proposed jury instructions to the Court no later than **9:00 a.m. two (2) business days** before the trial date.

All plea negotiations shall have been concluded no later than **9:00 a.m. three (3) business days** before the scheduled trial.

Defense counsel shall inform the Court as to whether a jury will be needed no later than **two (2) business days** before the trial date.

All discovery obligations and deadlines as set forth in the Maryland Rules shall be strictly enforced.

Except by leave of court, all motions shall be filed no later than **eighteen (18) days** prior to the scheduled motions hearing.

All omnibus motions filed by defense counsel shall be particularized no later than **fifteen (15) days** prior to the motions hearing.

All subpoenas shall be requested and served in accordance with the Maryland Rules.

Anyone needed auxiliary aid, service or accommodation for a hearing/trial shall contact the clerk's office **ten (10) days prior to the hearing.**

**Failure to comply with the terms of the Order will result in the imposition of appropriate sanctions.**

**ORDERED** this day by the Circuit Court for Dorchester County, Maryland.

<u>05/23/2017</u>	<u>/s/</u>
Date	Judge

A copy of this Scheduling Order was provided to all attorneys of record, the Defendant and the victim(s), if applicable.

cc: