

District Court Criminal/Traffic Plea Docket Opportunity

As a part of the District Court's phased reopening we are planning to make a Plea/Disposition docket available in Rockville Courtroom 413 beginning the second week of reopening. After discussions with the District Court Bench Bar Committee, interested lawyers, and the State's Attorney's office, the scope of plea options was created.

The Plea/Disposition docket includes serious traffic and criminal cases. It will include both Rockville and Silver Spring cases. The judges assigned to the docket have agreed to the plea and probation conditions. The State's Attorney handling the Plea/Disposition docket will defer on disposition for case falling into the first 4 categories of Mr. McCarthy's letter.

Pleas are certainly negotiable in other courtrooms. However, the considerations listed for the Plea/Disposition docket will **ONLY** be available for those pre-scheduled pleas in Courtroom 413.

Our State's Attorney, John McCarthy, has carefully developed a very thoughtful protocol to support the Plea/Disposition docket and also to address summary dispositions of many of the case types frequently heard in the District Court.

Please carefully review this communication and the attached letter from Mr. McCarthy. If you have interest in the Plea/Disposition docket, please email Kathy Knight to schedule the proceeding. Any cases pending may be the subject of a negotiated plea in any courtroom. The distinction is the certainty afforded by participating in the 413 docket. Confirming pleas (where appropriate) in advance may allow us to schedule more cases, more efficiently.

This is a pilot docket and should not be viewed as a permanent option. To that end, please carefully consider your clients' interests and desire to engage the 413 Plea/Disposition docket option.

Thank you for your consideration of this opportunity.

Sincerely, Patricia Mitchell, Administrative Judge

Dear Judge Mitchell,

To assist the Court with the backlog of cases that have accumulated during our shutdown, the State's Attorney's Office has agreed to resolve **pending** cases in the following fashion:

DROPPING CHARGES:

Driving Suspended and Driving without a License: The State will *nolle* the citations upon verification that the defendant has a valid license.

Non-incarcerable citations (i.e. Possession of MJ, Alcohol citations): The State will *nolle* the citations unless they are associated with other charges, like a driving under the influence of alcohol or drugs.

Minor criminal matters (i.e. Trespassing, Disorderly, Disorderly intoxication, Urinating in Public, Simple Possession (other than heroin/fentanyl), littering, Failure to ID, Fare Evasion): Upon **VERIFICATION** that the defendant **completed** an mental health/substance abuse assessment with Access to Behavioral Health, the State will *nolle* the case. The Department of Health and Human Services supports this proposal and will be available to complete the assessments. Representatives from the department will be available on Wednesdays from 10 – 2 at the Crisis Center, located at 1301 Piccard Street in Rockville, to complete the assessments. Participants will receive a list of agencies and providers that can assist with their identified needs. Referrals to housing assistance can also be made during this assessment. The department will provide defense counsel with documentation to verify that the assessment was completed. Defendants are free to contact their own providers for assessments so long as they provide verification reflecting a completed assessment.

PLEA DOCKET: All pleas are conditioned upon defendants waiving their right to appeal.

1st time DUI: No jail, no requirement to pay an underlying, plea to a B regardless of intoximeter result, agreement that probation will convert to unsupervised upon completion of alcohol program. In the interest of public safety, the State will request interlock. This agreement does not apply to accident cases involving third parties. Nor can a defendant have another pending alcohol related case.

2nd time DUI: No jail, if the intoximeter result is .16 or lower and the prior conviction was not within the last year. State would seek a longer probation and request interlock. This agreement does not apply to accident cases involving third parties. The defendant cannot have other pending alcohol related cases nor be on probation for the 1st offense.

MISD. SHOPLIFTING CASES: No jail, regardless of priors. The defendant cannot have other pending cases or be on probation.

OTHER MISD. CASES: The State will agree to no jail if the defendant has no more than 5 prior convictions. The prior convictions cannot include a crime of violence as defined by Section 5-101(c) of the Public Safety Article and the defendant cannot be on probation. This DOES NOT apply to victim related cases. Those would need to be individually assessed for consideration.

ALL OTHER CASES: Defense attorneys are free to contact **any** District Court Assistant State's Attorney to negotiate a case (regular criminal or traffic) for inclusion on a plea docket. Domestic Violence cases must be negotiated with the ASAs assigned to the Domestic Violence Unit (Janna Sakla for defendants whose last names start with A – L, Ben Forman for the remainder of the alphabet).

PROCEDURES TO GET A CASE ON THE PLEA DOCKET: If a defense attorney has a case that falls within the first four categories listed above and they would like to set on the case on the plea docket, they should email Kathy Knight, Chief the District Court Division for the State's Attorney's Office at kathy.knight@montgomerycountymd.gov. If a defense attorney negotiates a plea with a ASA, the ASA will ask for dates and times that work for defense counsel and their client. The ASA will reach out to Kathy Knight to schedule the plea on date and time is available on the schedule that works for all parties.

IF WE ARE ABLE TO GENERATE ENOUGH INTEREST IN A PLEA DOCKET IN THE NEXT FEW DAYS, this docket will take place Monday through Friday in Rockville 413 and continue as long as the volume of cases supports the need for the docket.

Please be advised the offers listed above WILL NOT be offered on the trial docket. Furthermore, the offers apply to pending cases and not those committed after the publication of this notice.

The State is very mindful of the difficult circumstances created by the Coronavirus to our judicial system, our Department of Corrections, the parties working for the court, and those needing to appear before it. Our office is taking the above proactive steps to assist our entire judicial system to deal with the unprecedented challenges we currently face.

Best Regards,

John McCarthy
State's Attorney
Montgomery County, MD