CRIMINAL DIVISION PROTOCOL – ADVANCE POSTPONEMENT REQUESTS – 4/4/19[1]

1. Counsel shall select three trial dates and submit a "Request for Advance Trial Postponement" (Felony Form attached) **for each defendant** to Charlette.ONeal@mdcourts.gov to the attention of the Judge In Charge of Criminal. **If the form is not timely received or is not completely filled out with all requested information the postponement will be denied.**

2. Reasons for the Advance Trial Postponement request must be noted on the form. Requests will only be considered for the following:
    a. Private counsel is just entering their appearance for a trial scheduled in Part 45 or 46. **If the case is already scheduled in a trial court, private counsel should not enter their appearance unless prepared to try the case on the scheduled date.** Advance postponement requests **must be submitted within 10 days** prior to the trial date.
    b. Vacation conflicts for a case scheduled in Part 45 or 46 only. Advance postponement requests **must be submitted within 10 days** prior to the trial date.
    c. Medical reasons.
    d. Family emergencies.

3. If the State or defense counsel is requesting a postponement for vacation conflicts for a case scheduled in Part 45 or 46, and opposing counsel is opposed, the request for postponement will be heard on the trial date.

4. If the defense is requesting a postponement and the proposed new trial dates occur past the 180 days of the defendant's right to a speedy trial, the defendant and defense counsel must execute the waiver on the form pursuant to Rule 4-271.

5. The Judge in Charge of Criminal will deny or grant the request. Upon ruling, the form will be filed in the Clerk's Office, and the original will be placed in the Court file. The JICCr Law Clerk will forward the form to all counsel.

6. If the postponement is granted, the JICCr Law Clerk will submit a copy of the form to Criminal Assignment, who will set the date for trial in Part 45 or 46. The Request for Advance Trial Postponement form will serve as the criminal postponement form, and a copy will be submitted to the Criminal Division Analyst by Criminal Assignment.

cc: Criminal Division Manual
Criminal Judges Manual
Criminal Assignment
Clerk's Office
Office of the State's Attorney
Office of the Public Defender
Private Defense Counsel

[1] Pursuant to Rule 1 – 102, this protocol is advisory only and is superseded by any contrary statutes and court rules.