

CRIMINAL PROTOCOL – INITIAL APPEARANCE – 11/21/19¹

I. SETTING INITIAL APPEARANCES

1. Upon filing of indictment/information, the State’s Attorney will provide the Clerk’s Office/Criminal Assignment with the following:
 - a. Case Number
 - b. Proposed Initial Appearance Date
 - c. Proposed Track for case – The tracks for felonies and misdemeanors charged by indictment/information are as follows:
 - i. **Track B** – Regular- Non-violent cases – Track B cases are given trial dates between **60 and 75 days** from appearance date to comply with the 120 day time standard.
 - ii. **Track C** – Serious – Violent cases – Track C cases are given trial dates between **90 and 105 days** from appearance date to comply with the 150 day time standard.
 - iii. **Track D** – Complex – Homicides, multi – victim, multi defendant cases – Track D cases are given trial dates between **120 and 135 days** from appearance date to comply with the 180 day time standard.
 - d. Three proposed trial dates.
2. The cases are scheduled equally by the Office of the State’s Attorney’s Grand Jury Unit, and Criminal Assignment sets the cases from the Grand Jury Indictment lists submitted on the proposed Initial Appearance date in Part 45 or Part 46. **Initial Appearances will be held daily at 2:00 P.M. for unrepresented defendants only.**
3. **If the State wishes to Nolle Pros a case, the State may appear before Part 45 or Part 46 any time prior to the Initial Appearance date to do so.**

II. REPRESENTED DEFENDANTS

4. **IF BY THE DAY BEFORE THE INITIAL APPEARANCE:**
 - a. Defense Counsel files with the Clerk’s Office:
 - i. An entry of appearance, **AND**
 - ii. A written plea pursuant to Rule 4 – 242(b) (See attached form), **AND**

¹ Pursuant to Rule 1 – 102, this protocol is advisory only and is superseded by any contrary statutes or Court rules.

- b. Defense Counsel or the State emails a completely filled out “Criminal Trial Schedule Form” and a date stamped copy of the entry of appearance form (See Attached form) to Criminal Assignment Staff.
 - i. The email will be sent to: Yvonne.Heard@mdcourts.gov, Sean.Hiken@mdcourts.gov, Vanessa.Coffield@mdcourts.gov and Rosalind.Cokley@mdcourts.gov.
 - ii. For Track D cases and non-Track D murder and rape cases, counsel will also choose a Pre-Trial Conference date approximately 45 days before the trial date. Pre-Trial Conferences will be held at 8:45 a.m., daily, except Wednesdays, before the Judge In Charge of Criminal.
- c. Criminal Assignment will set the trial date in the same Reception Court Part as the Initial Appearance and send trial notices to all counsel.
- d. **Accordingly, defense counsel, the defendant and the State’s Attorney will not appear on the Initial Appearance Date.**
- e. The Initial Appearance Protocol and Criminal Trial Schedule form are available under Resources for Attorneys on the Baltimore City Circuit Court webpage Criminal Division tab.

III. NON - INCARCERATED DEFENDANTS

- 5. IF BY THE DAY BEFORE THE INITIAL APPEARANCE, NO ENTRY OF APPEARANCE IS FILED:
 - a. **Defendant must appear on the Initial Appearance date to be advised of right to counsel, charges, penalties and be assigned a trial date.**

IV. INCARCERATED DEFENDANTS

- 6. IF BY THE DAY BEFORE THE INITIAL APPEARANCE, NO ENTRY OF APPEARANCE IS FILED:
 - a. The Reception Court Judge will notify Central DPSCS transportation (M - 6-5128, 5129) (East - 6-7375, 7376) by 9:30 A.M. to transport defendant(s) by 2:00 P.M.
 - b. **Defendant must appear on the Initial Appearance date to be advised of right to counsel, charges, penalties and be assigned a trial date.**

cc: Criminal Manual
Criminal Trial Manual
Clerk's Office
Criminal Assignment Office
Central DPSCS Transportation
State's Attorney's Office
Office of the Public Defender
Private Defense Bar