

## **CRIMINAL PROTOCOL - ATTORNEY GUIDANCE - RECEPTION COURT – 2/23/22<sup>1</sup>**

1. Effective July 6, 2021, Reception Court will be conducted remotely via Zoom for Government (Zfg).
2. The trial date is the trial date **not a status conference**.
3. Incarcerated defendants on the Felony Reception Court docket will be called at 8:45 a.m. and will appear remotely via Zfg. **Attorneys with incarcerated defendants MUST appear at 8:45 a.m. and must not be late.** Attorneys should not attend bail review hearings if they have an incarcerated defendant scheduled for Reception Court. Reception Court is the priority.
4. For Track D cases and non-Track D murder and rape cases, counsel will choose a Pre-Trial Conference date before the Judge In Charge of Criminal, or designee for a Pre-Trial Conference approximately 45 days before the trial date. Pretrial Conferences will be conducted remotely via Zfg at 9:00 a.m. Attorneys should use the Part 46 Zfg link for these hearings.
5. The presiding judge will call nolle prosequis and stets at 9:30 a.m. daily and they may be taken in advance on any day. Counsel does not need to provide advance notice. The prosecutor must notify defense counsel in advance if a conditional stet will be offered so that the defendant is present to accept the stet.
6. Pleas for incarcerated defendants will be taken on the scheduled Reception Court date and advance notice that a plea will be taken is not necessary. If the Reception Court judge does not accept the plea, the case will be sent to a trial court judge who may accept the plea or conduct the trial.
7. **Incarcerated defendants with cases that are specially set will be transported to Court and counsel is to report directly to the Trial Court at whatever time is designated by the trial Judge. Incarcerated defendants with cases listed on Part 28 will be assigned to a Judge prior to the scheduled trial date by Judge Phinn. Counsel must contact the Judge to be informed of where the Judge will be sitting. Attorneys should not double book cases for Part 28. Double booked cases will be sent to trial back to back,**
8. **Attorneys with shielded juvenile cases should not join the Felony Reception Court but should contact the Criminal Assignment Office to schedule a trial date.**

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<sup>1</sup>Pursuant to Rule 1-102, this Protocol is advisory only and is superseded by any contrary statutes and Court rules.

9. Plea sheets must be submitted in advance directly to the presiding Reception Court Judge in advance of the scheduled trial date.
10. If an interpreter is needed, the party requesting the interpreter services must follow the procedure posted on the Baltimore City Circuit Court website under Court Administration where all forms are posted. Once an interpreter has been assigned, the prosecutor should email the plea sheet and elements of the crime to the assigned interpreter.
11. Zfg breakout rooms will only be used when the State has changed the offer and counsel needs to confer with their client. Breakout rooms will not be used for attorney visits or to coordinate trial dates.
12. Attorneys must coordinate their trial schedules in advance. If attorneys do not have agreed upon trial dates when asked, their case will be called at the end of the docket.
13. Attorneys must be in their offices and able to arrive for trial within a reasonable time.
14. Pursuant to Administrative Order No. 2020-12, issued on October 29, 2020,<sup>2</sup> all participants in remote hearings before the Circuit Court for Baltimore City shall adhere to the following rules of court decorum:
  - a. Participants shall be on time and follow remote hearing platform directions;
  - b. Participants shall dress appropriately for a formal court environment;
  - c. Participants shall ensure that distractions are not present, such as driving;
  - d. Participants shall not interrupt others when they are speaking nor attempt to speak over others;
  - e. Participants shall be respectful and courteous;
  - f. Participants shall refrain from eating and/or smoking;
  - g. Participants shall not be permitted to use or access their phones while participating in a video-conference remote hearing unless permitted to do so by the presiding judge or magistrate; and
  - h. Participants shall not take screen captures, screenshots, photographs, videos or make other electronic recordings of the proceeding or other participants.
15. All attorneys including attorneys for bail review hearings must wear court attire for all remote hearings.

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<sup>2</sup> All local Administrative Orders are posted on the Baltimore City Circuit Court website.

16. Attorneys must advise their clients to be dressed appropriately for Reception Court. Attorneys must also advise their clients to conduct themselves as if they are in a courtroom.
17. The Resolution of Rule 4 Violations Protocol posted on the Baltimore City Circuit Court website under the Criminal Division tab, Resources for Attorneys must be followed.
18. **Advance Postponements are not accepted.**
19. The **State's Attorney's Office initiates** the worksheet in MAGS. Please have all applicable MAGS worksheets initiated BEFORE addressing matters to Reception Courts and Trial Courts that will require a MAGS worksheet.
20. The Court will mail counsel its copy of the final MAGS worksheet.
21. Upon calling the case, counsel for the State shall advise the Reception Court Judge:
  - a. **if exigent circumstances exist or counsel is in trial in another case**, whether a postponement is being requested and whether it is a joint request for postponement;
  - b. if there is a negotiated plea agreement;
  - c. the expected length of the trial; and
  - d. whether any pretrial motions are pending.
22. After counsel for the State has called the case, defense counsel shall advise the Reception Court Judge:
  - a. **if exigent circumstances exist or counsel is in trial in another case**, whether a postponement is being requested;
  - b. if there is a negotiated plea agreement;
  - c. whether a court or jury trial is requested; and
  - d. if the State has requested a postponement, whether the defense objects or does not object to the request, and the grounds for the objection, if made.
23. Exigent circumstances do **not** include:
  - a. Unavailability of witnesses for reasons that were reasonably ascertainable over 48 hours before the trial date.

- b. Conflicts in counsel's schedule for reasons that were reasonably ascertainable over 48 hours before the trial date.
  - c. Unavailability of evidence such as test results for reasons that were reasonably ascertainable over 48 hours before the trial date.
  - d. Failure to provide discovery within the time limits set by Rule 4-263(h) or "promptly" as required by Rule 4-263(j). Be prepared to proceed to trial without use of evidence contained in untimely discovery if the trial court finds such sanction is appropriate under Rule 4-263(n).
  - e. Failure to timely communicate with another Judge about consolidating a Rule 4 with a violation of probation.**
24. In preparing for trial, do **not** rely upon representations by other counsel that he or she may not be ready for trial, or that the defendant may wish to plead guilty. Such representations will not serve as bases for a postponement request if incorrect.
- 25. If you have a case that has been sent from Reception Court and scheduled for trial before a Trial Court judge and you have reached an early resolution of the case prior to the trial date, you must contact the Judge In Charge of Criminal's chambers to schedule the plea before the Trial Judge.**
26. When a case is sent to trial court, Counsel must have voir dire prepared and enclosed in his/her trial folder.
- 27. Attorneys should bring to the Trial Court judge's attention if spectators in the courtroom are not adhering to the Court's masking policy.**

cc: Criminal Manual  
Criminal Trial Manual  
Office of the State's Attorney  
Office of the Attorney General  
Office of the Public Defender  
Private Defense Bar