
CIRCUIT COURT FOR BALTIMORE CITY
CRIMINAL DIVISION

Differentiated Case Management Plan

Approved April 24, 2023

Criminal Differentiated Case Management Plan

This Criminal DCM Plan is established in accordance with Rule 16-302(b), which requires the County Administrative Judge to develop and, upon approval by the Chief Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

STATEMENT OF PURPOSE

The purpose of the Criminal DCM Plan is to provide a structured system for the timely and efficient management of cases. The Circuit Court for Baltimore City acknowledges its responsibility for managing case progress. From the commencement of litigation to its resolution, whether by trial or other disposition, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the Court will control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket.

The objectives of the Criminal DCM Plan include:

1. Firm and credible case assignment and scheduling of events;
2. Expedited case disposition for incarcerated defendants;
3. Judicial supervision consistent with the complexity of each case; and
4. Effective and efficient use of judicial resources.

Further, consistent with case time standards adopted by the Judicial Council, constitutional requirements and applicable court rules, it is the goal of the Plan to comply with accepted time standards, to wit: 98% of all cases shall be completed within 180 days of the defendant's first appearance in the Circuit Court or the entry of appearance by counsel, whichever is earlier. In order to achieve this goal, this Court is also committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases.

CASE MANAGEMENT

The policies and procedures outlined in this plan shall be implemented by the Judge-In-Charge of the Criminal Docket (JICCr). The JICCr shall exercise and have authority over all criminal issues including postponements as designated by the Administrative Judge pursuant to Rule 16-105(d)(2). The JICCr shall monitor the implementation and effectiveness of the Criminal DCM Plan with the assistance of the Associate Administrator and Research Analyst. Any issues with the Plan will be discussed at the monthly case management meetings¹ chaired by the JICCr.

All judges and staff are responsible for compliance with the Plan and the effective management of cases assigned to them, including adherence to the case time standards.

Under the supervision of the JICCr, the criminal analyst prepares regular reports, which measure case processing performance and provide overview of how court resources are utilized. These reports are crucial to the success of the Criminal DCM Plan. The reports include the following:

¹ These meetings are attended by members of the Clerk's Office, State's Attorney's Office, Public Defender's Office, members of the private criminal defense bar, Criminal Assignment, and Pretrial Release Services.

1. Daily – Trial Calendar – details the availability of trial courts for trial and disposition of cases;
2. Weekly – Priority Felony Trials – sets out list of oldest cases set for trial during week – places all parties on notice that such cases should be resolved on the trial date;
3. Weekly – Reception and Initial Appearance Workloads – projects number of cases set in reception courts – permits JICCr to monitor any spikes or dips in case assignment;
4. Monthly – List of all defendants incarcerated over one year pending trial – permits JICCr to monitor closely the progress of priority cases;
5. Monthly – Summary of all cases within and outside of case time standards – permits JICCr to monitor closely the case management performance and success of the DCM Plan;
6. Monthly – Summary of total disposition of cases – permits JICCr to monitor trends in case outcomes;
7. Monthly – Summary of postponements granted and reasons for postponements – permits JICCr to monitor any postponement trends;
8. Monthly – Summary of total number of incarcerated defendants pending trial – permits JICCr to determine if the Court’s resources are being used to resolve the most serious cases; and
9. Monthly – Summary of pending cases – permits JICCr to monitor if the total misdemeanor and felony case load is increasing or decreasing.

Criminal Clerk’s Office

Under authority of the Clerk for the Circuit Court, the Criminal Division of the Clerk’s Office processes and maintains all case information. The Criminal Clerk’s Office also issues all notices/summons/writs for all case hearings and trials. Although this is a very short summary of the enormous effort expended by the Clerk’s Office, the Clerk’s Office duties are critical to the success of the Criminal DCM Plan.

Criminal Assignment Office

The Criminal Assignment Office (CAO) operates under the authority of the Clerk for the Circuit Court. The CAO schedules all initial appearances, hearings and trials and the postponement of such case events in accordance with the case time standards. The CAO is also crucial to the success of the Criminal DCM Plan.

TRACK DESIGNATIONS

All criminal cases follow one of four distinct tracks to resolution. Tracks are based on the expected complexity of the case.

Track A – Simple Cases

All jury trial prayers and appeals from the District Court will be assigned to Track A by the Clerk’s Office.

After a demand for jury trial is made in the District Court, Defense Counsel will email the State’s Attorney’s MJT unit to confer on proposed dates with the assigned ASA. When dates are selected, the ASA will email a completely filled out “Misdemeanor Criminal Trial Schedule Form” (Appendix 1) to Criminal Assignment staff and they will assign a trial date within 21 to 24 days. Criminal Track A - Jury Trial Prayers have a disposition² goal of 90 days.

All misdemeanors received from the District Court after appeal are assigned a trial date within 30 to 45 days after the appeal is filed. Criminal Track A – District Court Appeals also have a disposition goal of 90 days.

Track B – Regular Cases

Cases involving non-violent crimes³ are assigned to Track B by the State’s Attorney Office (SAO) upon the filing of an indictment or information with the Clerk’s Office. Criminal Track B cases will receive a trial date within 60 to 75 days of the initial appearance date. Criminal Track B – Regular Cases have a disposition goal of 120 days.

Track C – Serious Cases

Cases involving violent crimes are assigned to Track C by the SAO upon the filing of an indictment or information with the Clerk’s Office. Criminal Track C cases will receive a trial date within 90 to 105 days of the initial appearance date. Criminal Track C – Serious Cases have a disposition goal of 150 days.

Track D – Complex Cases

Cases involving a homicide, multiple victims and/or multiple defendants are assigned to Track D by the SAO. Criminal Track D cases will receive a trial date within 120 to 135 days of the initial appearance date. Criminal Track D – Complex Cases have a disposition goal of 180 days.

Table 1.1 – Criminal Tracks

<i>Track</i>	<i>Case types</i>	<i>Expected Case Duration and Notes</i>
Track A Simple Cases	Jury trial prayers from District Court, District Court Appeals	90 days to disposition.
Track B Regular Cases	Non-violent felony charge(s)	120 days to disposition. Cases downgraded to a misdemeanor remain Track B.
Track C Serious Cases	Violent felony charge(s)	150 days to disposition.
Track D Complex Cases	Homicide charge(s), multiple victims, multiple defendants.	180 days to disposition.

² “Disposition” means dismissal, stet, or guilty finding.

³ Depending on its complexity, any case may be upgraded for a more realistic disposition goal.

CASE EVENTS AND PROCEDURES

Circuit Court criminal cases can be initiated by the filing of a jury trial prayer/appeal from District Court, or an information or indictment. Most misdemeanor cases reach the Circuit Court after a jury trial prayer in District Court, and most felony cases are initiated by indictment. The first case event in the Circuit Court is the filing of either a jury trial prayer or an appeal in the District Court (Track A) or the filing of a criminal information or indictment in the Circuit Court (Tracks B, C, D). A charging document filed in the Circuit Court may be:

1. A District Court charging document for an offense on which the defendant demands a jury trial or appeal (Track A below);⁴
2. An indictment (see Tracks B, C, and D below);
3. An information (see Tracks B, C, and D below).

Table 1.2 – Criminal Case Events by Track

Track A – Simple Cases: Jury Trial Prayers and Appeals from District Court

Case Event	Timing
Case Initiation	Jury trial prayer/appeal from District Court.
Initial Appearance	Not required.
Discovery	See Rules 4-301(c), 4-262(i) and 4-263(h) – usually before the date of trial.
Trial Date ⁵	Within 21 – 24 days of jury trial prayer. Within 30 – 45 days of filing of appeal.
Sentencing (if guilty)	Same day.

Track B – Regular Cases: Non-Violent Felony

Case Event	Timing
Case Initiation	Filing of Information/Indictment in Circuit Court.
Initial Appearance – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court.
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant.
Trial Date	Within 60 – 75 days of the initial appearance date
Sentencing (if guilty)	Usually - Same day, or within 90 days if presentence investigation is ordered pursuant to Rule 4-341.

⁴ See Rule 4-201(c)(3).

⁵ As required by Rule 4-271(a), the date for all trials is set within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the Court.

Track C – Serious Cases: Violent Felony

Case Event	Timing
Case Initiation	Filing of Information/Indictment in Circuit Court.
Initial Appearance – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court.
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant.
Pre-Trial Conference	45 days before trial date.
Trial Date	Within 90 – 105 days of the initial appearance date.
Sentencing (if guilty)	Usually - Same day, or within 90 days if presentence investigation is ordered pursuant to Rule 4-341.

Track D – Complex Cases: Homicides, Multi-victim, Multi-defendant

Case Event	Timing
Case Initiation	Filing of Information/Indictment in Circuit Court.
Initial Appearance – if necessary	Within 37 days of filing of Information/Indictment in Circuit Court.
Discovery	See Rule 4-263(h) – within 30 days after the earlier of appearance of counsel or the first appearance of the defendant.
Pre –Trial Conference	45 days before trial date.
Trial Date	Within 120 and 135 days of the initial appearance date.
Sentencing (if guilty)	Usually - Same day, or within 90 days if presentence investigation is ordered pursuant to Rule 4-341.

Initial Appearance

No initial appearance is held for jury trial prayers or appeals from District Court. For all other cases, upon the filing of the indictment/information, the SAO provides the Clerk’s Office with the following:

- a. Case Number
- b. Proposed Initial Appearance Date: and
- c. Proposed Track for case.
- d. Three proposed trial dates.

Once the Clerk's Office enters the case into the Court's data management system, the CAO will set the initial appearance date and the appearance deadline/removal date for the initial appearance docket.⁶

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.

Criminal Assignment will set equally all indictment/information cases on the proposed Initial Appearance date in Part 45 or Part 46. Initial Appearances will be held daily at 12:00 P.M. for unrepresented defendants only.

Upon accepting representation, Defense Counsel shall file with the Clerk's Office an (1) entry of appearance, AND (2) a written plea pursuant to Rule 4-242(b), AND (3) Defense Counsel or the State shall email a completely filled out "Criminal Trial Schedule Form" (Appendix 2) to Criminal Assignment Staff. Criminal Assignment will set the trial date in the same Reception Court Part as the Initial Appearance and send trial notices to all counsel. For Track C and D cases, a completely filled out Criminal Trial Schedule Form must include a Pre-Trial Conference date approximately 45 days before the trial date agreed to by counsel. The fillable Criminal Trial Schedule Form is posted on the Baltimore City Circuit Court website under Resources for Attorneys on the Criminal Division webpage.

If the foregoing steps are completed, defense counsel, the defendant and the State's Attorney will not be required to appear on the Initial Appearance date.

If no entry of appearance is filed by the day before the initial appearance, the defendant must appear on the Initial Appearance date to be advised of right to counsel, charges, penalties and be assigned a trial date within the time window for the specific track assigned to the case.

Discovery

Due to the fact that cases are not assigned to a specific judge, the Court has designated a "Discovery Judge" to resolve all discovery related motions and pleadings.⁷ The Clerk's Office screens incoming pleadings for all motions and pleadings which are discovery related. The Clerk's Office will then assign a time period for the response or opposition to the motion/pleading such as:

1. 8 days for Motions to Compel;
2. 18 days for Motions for Sanctions;
3. 18 days for Motions for Protective Order; and
4. 18 days for Motions for Deposition of Witness.

⁶ The Appearance Deadline/removal Date is the day before the initial appearance.

⁷ For the same reason, the JICCr assigns other additional duties to the General Trial Court Judges.

Once the time period for response or opposition has expired, and if it is more than 7 days before the trial date, the Clerk's Office will forward the discovery motion or pleading to the Discovery Judge for review and ruling. If it is less than 7 days before the trial date, the Clerk's Office will forward the discovery motion or pleading to the Discovery Judge as soon as possible.

If the Discovery Judge determines that a hearing is necessary, the Discovery Judge's staff will contact the Assistant State's Attorney and defense counsel to schedule a hearing date prior to the assigned trial date. If the Discovery Judge issues a protective order tying the timing of disclosures to the trial date, the Discovery Judge will order all counsel to submit a request for a specially set trial along with a copy of the Protective Order to the JICCr. The case will then be specially assigned on a specific date to a trial court so that the protective order can be implemented.

Scheduling – Motions

Trial Judges will be specially assigned motions from the Reception Court by the JICCr. Judges will be assigned to this docket for one month, and two in person motions will be assigned per day. The assigned courtroom clerk will bring the file to the judge's courtroom the day of the motion. Judges will preside over Motions to Dismiss, Daubert Motions, Motions to Suppress, and Joinder Motions. Counsel may appear in the Reception Court on any Friday to schedule a motion's hearing. The case does not need to be on the docket. If a motion is denied, counsel shall report to the Reception Court the next business day to schedule a trial date. If a motion is granted and the State does not nolle pros the case, counsel shall report to the Reception Court the next business day to schedule a trial date. An email shall be sent by the motion's judge's law clerk to the JICCr, the JICCr's Administrative Assistant, the JICCr's law clerk, Criminal Assignment, the Clerk's Office, the Associate Administrator, Research Analyst, and the Administrative Judge (AJ)'s administrative assistants upon the completion of the motion with the Court's ruling. All other motions will be handled by the trial judge.

Scheduling – Trial Dates

All Track A cases are assigned to the misdemeanor reception court for trial. All other track cases are assigned to the felony reception court for trial, with the exception of specially set trials, described below. The parties must appear in the assigned reception court at the assigned date and time prepared to proceed to trial. Each day, cases are called by the reception court judge based on the age of the case. If a plea or other disposition of the case is not reached, or the case is not postponed for good cause, the case is forwarded to one of the trial courts for trial.

As noted above, the Court maintains a trial calendar, which sets out the availability of the trial courts and recalled judges. The trial calendar is updated in real time so that the reception court judges are always aware of open trial courts.

Postponements

The Court's postponement policy is strict and consistent across all four tracks in order to comply with time standards. As required by Rule 4-271, the Court will deny requests for postponements unless "good cause" is shown. Good cause reasons are illustrated in Appendix 3, Criminal Postponement Form. Further, decisions to postpone any case including cases transferred to the Court from the District Court after a jury trial prayer are made by a judge designated by the Administrative judge as required by Rule 16-105(d)(2), which typically is the JICCr. All postponement requests and Hicks waivers are

considered by the Judge on the record and memorialized on the standard postponement form by Criminal Assignment and signed by the judge. See (Appendix 3).

Advance postponements are not accepted for felony cases, misdemeanor jury trial prayer cases or District Court appeals.

Specially Set Cases

The Circuit Court for Baltimore City has a high volume of Track C and D – Serious and Complex Cases. Due to the nature of such cases, both the State and the defense have historically requested multiple postponements. In order to avoid such postponements and maintain these cases within time standards, the JICCr conducts pretrial conferences 45 days before the trial date. Any request to postpone a priority felony trial or a case already specially set must be approved by the JICCr as designated by the Administrative Judge pursuant to Rule 16-105(d)(2).

Specialized Courts

The Court has two specialized courts: Drug Treatment Court (DTC) and Mental Health Court (MHC). The DTC is presided over by a sitting judge and the MHC is presided over by a senior judge.

DTC referral may be made on the Court's own initiative or by an ASA, APD, or defense counsel to the Drug Court Coordinator. Potential referrals are then screened and assessed by the offices of the State's Attorney, Public Defender, Parole and Probation and Behavioral Health System Baltimore. Defendants with pending cases or violation of probation cases are referred to the DTC after assessment for eligibility. Defendants with pending cases plead guilty in DTC and defendants with violation of probation cases will have his/her probation transferred to the DTC judge.

The MHC handles two tracks of cases: competency/NCR and treatment/probation. The MHC sits one day per week and oversees the referred cases until the NCR plea is resolved or until the defendant's competency is established. The Court may refer a defendant to the MHC for a possible plea and supervision by sending a completed referral form to the MHC.

APPENDIX 1

STATE OF MARYLAND

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IN THE

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CIRCUIT COURT

v.

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FOR

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BALTIMORE CITY

Defendant

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Case No.:

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MISDEMEANOR CRIMINAL TRIAL SCHEDULE

The following dates were agreed to by counsel having entered an appearance and a written plea of not guilty pursuant to Rule 4-242 (b)(3):

Part 1: To be completed by the prosecutor and defendant (or defendant's representative)

Track: A

1. Proposed Trial Dates (pick 3): _____
 2. The Trial is estimated to take _____ day(s) before a Jury.
 3. I have a case scheduled in Part 47 on this date: Yes _____ Case No. (s) _____
-

CERTIFICATION

This is to acknowledge that this Criminal Trial Schedule has been agreed to by the parties and a copy has been sent to all parties.

State: _____ **Email:** _____

Address: _____

[Include City/State/Zip code]

Phone: _____

Defense: _____ **Email:** _____

Address: _____

[Include City/State/Zip code]

Phone: _____

Part 2: To be completed by Criminal Assignment

1.. Trial Date will be held on: _____ day of _____, 20__

Date_____

APPENDIX 2

STATE OF MARYLAND * IN THE
*
* CIRCUIT COURT
*
v. * FOR
*
* BALTIMORE CITY
Defendant *
* Case No.:
* * * * *

CRIMINAL TRIAL SCHEDULE

The following dates were agreed to by counsel having entered an appearance and a written plea of not guilty pursuant to Rule 4-242 (b)(3):

❖ Part 1: To be completed by the prosecutor and defendant (or defendant's representative)

❖ Track: A _____ B _____ C _____ D _____
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1. Proposed Trial Dates (pick 3): _____
2. The Trial is estimated to take _____ days before a Jury.
3. ❖❖Proposed Pre-Trial Conference Dates: _____ at 8:45 a.m. before the Judge in Charge of Criminal, Part 28, or designated Part.
4. The Hicks/Speedy Trial Date: _____
5. I have a case scheduled in Part 45 or 46 on this date: Yes _____ Case No. _____

CERTIFICATION

❖ This is to acknowledge that this Criminal Trial Schedule has been agreed to by the parties and a copy has been sent to all parties.

State: _____ Email: _____

Address: _____

[Include City/State/Zip code]

Phone: _____

Defense: _____ Email: _____

Address: _____

[Include City/State/Zip code]


Phone: _____

❖ Part 2: To be completed by Criminal Assignment

1. ❖❖Pre-Trial Conference will be held on: _____ day of _____, 20____.
2. Trial Date will be held on: _____ day of _____, 20____.

❖ For track D cases and non Track D murder and rape cases, a Pre-Trial Conference date **must** be selected.
❖❖ Pre-Trial Conference should be scheduled **45 days** before trial date. **Revised: 4/20/23**

APPENDIX 3



Circuit Court for
Baltimore City
Criminal Division

Criminal Postponement Form

[PLEASE USE BLUE OR BLACK BALLPOINT PEN AND PRESS HARD TO MAKE FIVE COPIES]

ADVANCE REQUEST

Date: _____	SID # _____	Case # _____	Defendant Location JAIL <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> (Specify) _____ _____
State vs. _____			
Attorney: _____			
Co-Defendant #1: _____			
Attorney: _____			
Co-Defendant #2: _____			
Attorney: _____			
ASA: _____			

Postponement requested by: State ___ Defendant ___ Co-Defendant #1 ___ Co-Defendant #2 ___ All ___

To be postponed from: Date _____ Part # _____ Hicks Date _____

Number of prior postponements: _____ Retrial: _____

REASON(S) FOR POSTPONEMENT - Please check appropriate box(es):

CSE	Set in error		CTJ	Transfer jurisdiction		PWU	State witness unavailable
CDA	Defendant to obtain counsel		DWV	Def. witness unavailable		PIV	State needs further investigation
CC	Consolidation		DIV	Def. needs further investigation		PNE	New State's evidence
CDS	Defendant not served		DNE	New defense evidence		PDP	Discovery just provided by State
CDT	Defendant not transported		DFA	Defendant failed to appear		PAV	Assistant State's Atty. unavailable
CM	Mistrial		DAU	Defense attorney unavailable		ACU	All counsel unavailable
CNR	NCR evaluation		NCA	No court available		PDA	Interpreter unavailable
PI	Competency evaluation		ADM	Administrative closure			

WAIVER OF MARYLAND RULE 4-271

The above-named defendant, having been advised of the right to a prompt trial in this case, hereby waives the time requirement of Maryland Rule 4-271 which requires that (s)he be tried within 180 days of his/her first personal appearance, the appearance of counsel or waiver of counsel. The defendant understands that this or future postponement may result in a trial date beyond 180 days and hereby expressly consents thereto.

Defendant: _____ Counsel: _____ Date: _____

Proposed Dates _____ _____ _____	<input type="checkbox"/> Approved <input type="checkbox"/> NOT Approved <input type="checkbox"/> Valid Hicks Waiver <input type="checkbox"/> Good Cause Found
Postponement charged to: <input type="checkbox"/> State <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> Administrative <input type="checkbox"/> No Court Available	
New Trial Date: _____ Part #: _____ Time: _____	
Reason - Judge to select code(s) and insert here: _____	
Judge's signature: _____	

Revised 5/2014 - Criminal Postponement Form
Form CC-140 White - Court File Yellow - CAO Pink - SAO Gold - Defense Attorney Blue - Analyst

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