
**IN THE
COURT OF APPEALS OF MARYLAND**

September Term, 2013

No. 105

BEN CLYBURN, *et al.*,

Appellants,

v.

QUINTON RICHMOND, *et al.*,

Appellees.

On Appeal from the Circuit Court for Baltimore City
(Alfred Nance, Judge)

Pursuant to a Writ of Certiorari to the Court of Special Appeals of Maryland

RECORD EXTRACT

DOUGLAS F. GANSLER
Attorney General of Maryland

WILLIAM F. BROCKMAN
Deputy Solicitor General

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February 18, 2014

Attorneys for Appellants

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CASE FOLDER HISTORY

Date	Time	Type	User	Location	Clerk	Reason
02/10/14	2:05 PM	CheckOut	RM	Baltimore City	ADH	
02/10/14	2:05 PM	CheckOut	RM	Baltimore City	ADH	
02/10/14	2:05 PM	CheckOut	RM	Baltimore City	ADH	
02/10/14	2:05 PM	CheckOut	RM	Baltimore City	ADH	
02/10/14	2:05 PM	CheckOut	RM	Baltimore City	ADH	

... Frank M. Conaway, Clerk of the Circuit Court
 for Baltimore City, hereby certify that this is
 a true copy from the record in this court.

Witness the hand and act of the undersigned

this 11th day of February 20 14

Frank M. Conaway

Circuit Court For Baltimore City, Maryland



CIRCUIT COURT FOR BALTIMORE CITY
 Frank M. Conaway
 Clerk of the Circuit Court
 Courthouse East
 111 North Calvert Street
 Room 462
 Baltimore, MD 21202-
 (410)-333-3722, TTY for Deaf: (410)-333-4389

02/11/14

Case Number: 24-C-06-009911 CN CN
 Date Filed: 11/13/2006
 Status: Closed/Inactive
 Case Flag: Case Stayed
 Judge Assigned: To Be Assigned,
 Location :
 CTS Start : 11/13/06 Target : 05/11/08

Quinton Richmond, Et Al Vs District Court Of Maryland, Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number

Case Folder ID	C06009911V17

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered

PLT 001	Richmond, Quinton		BT SJ 10/01/10	11/13/06
		Party ID: 3784674		
Attorney:	0016487 Schatzow, Michael	Appear: 11/13/2006		11/17/06
	Venable, LLP			
	750 East Pratt Street			
	Suite 900			
	Baltimore, MD 21202			
	(410)244-7400			
	0023423 Mirviss, Mitchell Y	Appear: 04/13/2007		04/16/07
	Venable LLP			
	750 East Pratt Street			
	Suite 900			
	Baltimore, MD 21202			
	(410)244-7400			

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 002	Jett, Jerome		BT SJ 10/01/10	11/13/06
		Party ID: 3784675		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 003	Callaway, Glen		BT SJ 10/01/10	11/13/06
		Party ID: 3784676		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 004	Singleton, Myrone		BT SJ 10/01/10	11/13/06
		Party ID: 3784677		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 005	Wright, Timothy		BT SJ 10/01/10	11/13/06
		Party ID: 3784678		
Attorney:	0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 006	Wilds, Keith		BT SJ 10/01/10	11/13/06
		Party ID: 3784679		
Attorney:	0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 007	LaGrasse, Michael		BT SJ 10/01/10	11/13/06
		Party ID: 3784680		
Attorney:	0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 008	Roman, Raymond		BT SJ 10/01/10	11/13/06
		Party ID: 3784681		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 009	Steele, Ralph		BT SJ 10/01/10	11/13/06
		Party ID: 3784682		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 010	Baker, Laura		BT SJ 10/01/10	11/13/06
		Party ID: 3784683		
	Attorney: 0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 011	Lewis, Erich		BT SJ 10/01/10	11/13/06
		Party ID: 3784684		
Attorney:	0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
PLT 012	Shivers, Nathaniel		BT SJ 10/01/10	11/13/06
		Party ID: 3784685		
Attorney:	0016487 Schatzow, Michael Venable, LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 11/13/2006	11/17/06
	0023423 Mirviss, Mitchell Y Venable LLP 750 East Pratt Street Suite 900 Baltimore, MD 21202 (410)244-7400		Appear: 10/29/2013	10/30/13
DEF 001	District Court Of Maryland		BT SJ 10/01/10	11/13/06
		Party ID: 3784686		
Mail:	361 Rowe Blvd Annapolis, MD 21401		11/17/06	11/17/06 THO
Attorney:	0016852 Peltzman, Cynthia G		Appear: 09/06/2007 Removed:03/16/10	09/06/07
	0800917 Wilson-Shelton, Gloria		Appear: 12/15/2006 Removed:03/16/10	12/18/06
	0011609 Curtis, H Scott Assistant Attorney General 10 E Baltimore Street Baltimore, MD 21202 (410)864-5313		Appear: 03/16/2010	03/18/10

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 002	Clyburn, Ben C		BT SJ 10/01/10	11/13/06
		Party ID: 3784687		
	Capacity : Capacity As Chief Judgme Of The District Court Of Maryland			
	Mail: 361 Rowe Blvd	11/17/06		11/17/06 THO
	Annapolis, MD 21401			
Attorney: 0016852	Peltzman, Cynthia G		Appear: 09/06/2007	09/06/07
	Howard County Office Of Law			
	George Howard Building			
	3450 Courthouse Drive			
	Ellicott City, MD 21043			
	(410)313-3074			
	0800917 Wilson-Shelton, Gloria		Appear: 12/15/2006	12/18/06
	Assistant Attorney General			
	1750 Forest Drive			
	Annapolis, MD 21401			
	(410)269-8626			
	0806671 Brockman, William F		Appear: 10/29/2013	10/31/13
	Office Of The Attorney General			
	Civil Litigation Division			
	200 St. Paul Place			
	Baltimore, MD 21201-2021			
	(410)576-7055			
DEF 003	Weissert, David W		BT SJ 10/01/10	11/13/06
		Party ID: 3784688		
	Mail: 911-A Commerce Road	11/17/06		11/17/06 THO
	Annapolis, MD 21401			
Attorney: 0016852	Peltzman, Cynthia G		Appear: 09/06/2007	09/06/07
	Howard County Office Of Law			
	George Howard Building			
	3450 Courthouse Drive			
	Ellicott City, MD 21043			
	(410)313-3074			
	0800917 Wilson-Shelton, Gloria		Appear: 12/15/2006	12/18/06
	Assistant Attorney General			
	1750 Forest Drive			
	Annapolis, MD 21401			
	(410)269-8626			
	0806671 Brockman, William F		Appear: 10/29/2013	10/31/13
	Office Of The Attorney General			
	Civil Litigation Division			
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Baltimore, MD 21201-2021
(410)576-7055

Type Num	Name(Last.First.Mid.Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 004	Matthews, Keith E		BT SJ 10/01/10	11/13/06
		Party ID: 3784689		
	Capacity : Capacity, Administrative Judge Of The District Court For Baltimore City			
	Mail: 5800 Wabash Avenue	11/17/06		11/17/06 THO
	Baltimore, MD 21215			
	Attorney: 0016852 Peltzman, Cynthia G	Appear: 09/06/2007		09/06/07
	Howard County Office Of Law			
	George Howard Building			
	3450 Courthouse Drive			
	Ellicott City, MD 21043			
	(410)313-3074			
	0800917 Wilson-Shelton, Gloria	Appear: 12/15/2006		12/18/06
	Assistant Attorney General			
	1750 Forest Drive			
	Annapolis, MD 21401			
	(410)269-8626			
DEF 005	Lewis, Linda		BT SJ 10/01/10	11/13/06
		Party ID: 3784690		
	Capacity : Capacity As Administrative Commissioner For Baltimore City			
	Mail: 5800 Wabash Avenue	11/17/06		11/17/06 THO
	Baltimore, MD 21215			
	Attorney: 0016852 Peltzman, Cynthia G	Appear: 09/06/2007		09/06/07
	Howard County Office Of Law			
	George Howard Building			
	3450 Courthouse Drive			
	Ellicott City, MD 21043			
	(410)313-3074			
	0800917 Wilson-Shelton, Gloria	Appear: 12/15/2006		12/18/06
	Assistant Attorney General			
	1750 Forest Drive			
	Annapolis, MD 21401			
	(410)269-8626			
	0806671 Brockman, William F	Appear: 10/29/2013		10/31/13
	Office Of The Attorney General			
	Civil Litigation Division			
	200 St. Paul Place			
	Baltimore, MD 21201-2021			
	(410)576-7055			

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 006	Commissioners Of The District Court For Baltimore City	Baltimore City	BT SJ 10/01/10	11/13/06
		Party ID: 3784693		
	Mail: 5800 Wabash Avenue	11/17/06		11/17/06 THO
	Baltimore, MD 21215			
	Attorney: 0011609 Curtis, H Scott	Appear: 04/23/2010		04/28/10
	Assistant Attorney General			
	10 E Baltimore Street			
	Baltimore, MD 21202			
	(410)864-5313			
	0016852 Peltzman, Cynthia G	Appear: 09/06/2007		09/06/07
	Howard County Office Of Law			
	George Howard Building			
	3450 Courthouse Drive			
	Ellicott City, MD 21043			
	(410)313-3074			
	0800917 Wilson-Shelton, Gloria	Appear: 12/15/2006		12/18/06
	Assistant Attorney General			
	1750 Forest Drive			
	Annapolis, MD 21401			
	(410)269-8626			
	0806671 Brockman, William F	Appear: 10/29/2013		10/31/13
	Office Of The Attorney General			
	Civil Litigation Division			
	200 St. Paul Place			
	Baltimore, MD 21201-2021			
	(410)576-7055			
DEF 007	Hargrove, John R. Jr		BT SJ 10/01/10	04/09/10
		Party ID: 4299213		
	Capacity : In His Official Capacity As Administrative Judge Of The District Court			
	Mail: 5800 Wabash Avenue	04/09/10		04/09/10 ASJ
	Baltimore, MD 21215			
	Attorney: 0806671 Brockman, William F	Appear: 08/18/2010		08/25/10
	Office Of The Attorney General			
	Civil Litigation Division			
	200 St. Paul Place			
	Baltimore, MD 21201-2021			
	(410)576-7055			
DEF 008	DeWolfe, Paul B.		BT SJ 10/01/10	04/09/10
		Party ID: 4299219		
	Capacity : In His Official Capacity S The Public Defender			

Mail: 6 Saint Paul Street 04/09/10 04/09/10 ASJ
 Suite 1400
 Baltimore, MD 21202

Attorney: 0815608 Bashur, Ashley Appear: 12/20/2013 12/26/13
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 1875 Pennsylvania Ave NW
 Washington, DC 20006

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
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ITP 001	PUBLIC DEFENDER		BT SJ 10/01/10	06/28/10
		Party ID: 4337215		

Mail: C/O ASHLEY BASHUR 06/30/10 06/30/10 AT
 1875 PENNSYLVANIA AVENUE, N.W.
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Attorney: 0815608 Bashur, Ashley Appear: 06/28/2010 06/30/10
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 Washington, DC 20006

0815810 Hut, A Stephen Appear: 08/18/2010 08/25/10
 Wilmer, Cutler, Pickering, Hale & Dorr, LLP
 1875 Pennsylvania Ave NW
 Washington, DC 20006
 (202)663-6000

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg	Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec				
05/02/07	11:00A	330	Motion Hearing (Civil)		SB	01	/01	04/09/07 DLI DLI
	Postponed		04/17/07 C J.Miller					
05/25/07	02:00P	330	Motion Hearing (Civil)		SB	01	/01	05/14/07 DLI
	Held/Concluded		06/13/07 E S.Berger	N				
10/15/07	11:00A	556	Motion Hearing (Civil)		AN	01	/01	09/17/07 DLI DLI
	Postponed		09/28/07 C J.Miller					
10/24/07	02:00P	556	Motion Hearing (Civil)		AN	01	/01	10/11/07 DLI DLI
	Cancelled/Vacated		06/08/10 C					
11/01/07	09:00A	523	Mot Hearing Modify Sched Order		EOC	01	/01	10/19/07 DCM DLI
	Cancelled/Vacated		06/08/10 C					

Date	Time	Fac	Event Description	Text SA	Jdg	Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec				
03/07/08	08:00A	403C	Pre-Trial Conference Postponed/Reset 11/01/07 C		TBA	01	/01	MBN DCM
03/07/08	11:00A	508	Pre-Trial Conference Cancelled/Vacated 02/27/08 I		TBA	01	/01	11/01/07 DCM FM
04/09/08	09:30A	403T	Civil Trial Cancelled/Vacated 02/27/08 I		TBA	01	/01	MBN FM
03/18/10	10:00A	556	Hearing Held/Concluded 06/08/10 E A.Nance	Y N	AN	01	/01	03/11/10 DCM
07/19/10	02:30P	556	Motion Hearing (Civil) Cancelled/Vacated 09/13/10 E		AN	01	/01	07/07/10 DLI FM
09/30/10	10:00A	556	Motion Hearing (Civil) Held/Concluded 10/01/10 E A.Nance	Y N	AN	01	/01	09/20/10 FM

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	Activity User	Date
02/21/07	DP	Dismissal by Plaintiff	BA	BEFORE ANSWER	THO	02/26/07
10/01/10	SJ	Summary Judgement	BT	BEFORE TRIAL	DG	11/06/13

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA To Be Assigned.	J	11/17/06		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00001000	class action complaint for declaratory and injunctive relief Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT008-Roman, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	11/13/06	11/17/06	PLT001	TBA Moot	02/21/07	THO THO
00001001	Answer to Complaint	09/05/07	09/06/07	DEF001	TBA Moot	10/01/10	BLB DG

Filed by DEF001-District Court Of Maryland, DEF002-Clyburn,
 DEF003-Weissert, DEF004-Matthews, DEF006-Commissioners Of The
 District Court For Baltimore City, DEF005-Foxworth

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00002000	Motion for Extension of Time and Proposed Order Filed by DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Foxworth, DEF006-Commissioners Of The District Court For Baltimore City	12/15/06	12/18/06	DEF001	EOC Granted	12/18/06	GDS THO
00002001	Order of Court	12/22/06	12/22/06	000	EOC Granted	12/18/06	THO
00002002	Copies Mailed	12/22/06	12/22/06	000	TBA Moot	02/21/07	THO THO
00003000	Motion to Extend Time Filed by DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Foxworth, DEF006-Commissioners Of The District Court For Baltimore City	01/31/07	02/01/07	DEF001	EOC Granted	02/02/07	DB JB
00003001	Order of Court	02/22/07	02/22/07	000	EOC Moot	02/21/07	JB THO
00003002	Copies Mailed	02/22/07	02/22/07	000	TBA Moot	02/21/07	JB THO
00004000	Amended class-action complaint for declaratory and injunctive relief Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT008-Roman, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	02/02/07	02/06/07	PLT001	TBA Moot	02/21/07	THO THO
00005000	Defendants' Motion to Dismiss Amended Complaint, Proposed Order and Exhibits Filed by DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Foxworth, DEF006-Commissioners Of The District Court For Baltimore City	02/13/07	02/15/07	DEF001	SB Denied	06/12/07	GDS JB
00005001	Memorandum in opposition to motion and hearing Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	04/04/07	04/05/07	PLT001	TBA Moot	10/01/10	THO DG
00005002	Request for Hearing on Selected Motion Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	04/04/07	04/05/07	PLT001	TBA Moot	10/01/10	THO DG
00005003	Errata Statement To Plaintiffs; Memo In Opposition To Motion To Dismiss And In Support Of Cross-Motion For partial Summary Judgment, Exhibits.	04/13/07	04/16/07	PLT001	TBA Moot	10/01/10	JB DG

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
00005004	Corrected Version Plaintiffs' Memorandum In Opposition To Motion To Dismiss And In Support Of Cross-Motion For Partial Summary Judgment. Request for Hearing. Exhibits. Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway	04/13/07	04/16/07	PLT001	TBA	Moot	10/01/10	JB DG
00005005	Memorandum Opinion	06/18/07	06/18/07	000	SB	Moot	10/01/10	JB DG
00005006	Order of Court	06/18/07	06/18/07	000	SB	Moot	10/01/10	JB DG
00005007	Copies Mailed	06/18/07	06/18/07	000	TBA	Moot	10/01/10	JB DG
00006000	Stipulation of Dismissal Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT008-Roman, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	02/21/07	02/26/07	PLT001	TBA	Moot	02/21/07	THO THO
00007000	Reopen Case CASE CLOSED IN ERROR CASE ONLY SUPPOSED TO BE DISMISSED AS TO PLTFF. RAYMOND ROMAN.	03/06/07	03/06/07	PLT001	TBA	Moot	10/01/10	BLB DG
00008000	plt's cross Motion for Summary Judgment Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	04/04/07	04/05/07	PLT001	TBA	Moot	10/01/10	THO DG
00008001	Memorandum in Support of Motion to see entire memorandum see #5/1 Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	04/04/07	04/05/07	PLT001	TBA	Moot	10/01/10	THO DG
00008002	Request for Hearing on Selected Motion Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	04/04/07	04/05/07	PLT001	TBA	Moot	10/01/10	THO DG
00008003	supplement to plt's cross motion for partial summary judgment Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	07/09/07	07/10/07	PLT001	TBA	Moot	10/01/10	THO DG
00008004	Plt's reply memorandum in support of cross motion Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	08/24/07	08/29/07	PLT001	TBA	Moot	10/01/10	THO DG
00009000	Motion for class certification and	04/04/07	04/05/07	PLT001	AN	Granted	10/24/07	THO PJY

memorandum

Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway,
 PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse,
 PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00009001	Order of Court dated October 24, 2007 that Plaintiff's Motion for Class Certification is GRANTED (Nance, J.)	11/26/07	11/26/07	000	TBA Moot	10/01/10	PJY DG
00010000	Notice Motion Hearing Sent Event: MOTN Block Date: 05/02/07 Facility: 330 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	04/09/07	04/09/07	000	TBA Moot	04/09/07	DLI
00011000	Notice Motion Hearing Sent Event: MOTN Block Date: 05/25/07 Facility: 330 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	04/17/07	04/17/07	000	TBA Moot	04/17/07	DLI
00012000	Civil Postponement Approved	04/18/07	04/20/07	000	JPM Approved	04/17/07	VB
00013000	Notice Motion Hearing Sent Event: MOTN Block Date: 05/25/07 Facility: 330 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	05/14/07	05/14/07	000	TBA Moot	05/14/07	TVM
00014000	Civil Cover Sheet generated	05/15/07	05/15/07	000	TBA Moot	05/15/07	KFS
00015000	Civil Cover Sheet generated	05/15/07	05/15/07	000	TBA Moot	05/15/07	KFS
00016000	Correspondence-copy of letter from Judge Berger to Counsel dtd 6/12/07	06/18/07	06/18/07	000	TBA Moot	10/01/10	JB DG
00017000	Consent Motion for Extension of Time	07/10/07	07/11/07	000	EOC Granted	07/14/07	TT MST

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00017001	Order of Court	07/20/07	07/20/07	000	EOC Moot	10/01/10	MST DG
00017002	Copies Mailed	07/20/07	07/20/07	000	TBA Moot	10/01/10	MST DG
00018000	def's Motion for Summary Judgment and opposition to plt's motion for partial summary judgment Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	07/18/07	07/19/07	PLT001	TBA Moot	10/01/10	THO DG
00019000	Errata Statement to Defts' Motion for Summary Judgment & Opposition to Pltffs Motion for Partial Summary Judgment and Exhibits	07/25/07	07/31/07	DEF001	TBA Moot	10/01/10	AW DG
00020000	Consent Motion for extension of time Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers, DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Foxworth, DEF006-Commissioners Of The District Court For Baltimore City	07/31/07	08/01/07	PLT001	EOC Granted	08/02/07	THO MST
00020001	Order of Court	08/16/07	08/16/07	000	EOC Moot	10/01/10	MST DG
00020002	Copies Mailed	08/16/07	08/16/07	000	TBA Moot	10/01/10	MST DG
00021000	Corrected Defts' Motion for Summary Judgment and Opposition Pltffs' MJSM Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway	08/01/07	08/06/07	PLT001	AN Granted	11/16/07	AW PJY
00021001	Response/Opposition to Motion with request for hearing (for entire opposition see pleading #8/4) Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	08/24/07	08/29/07	PLT001	TBA Moot	10/01/10	THO DG
00021002	Request for Hearing on Selected Motion	09/12/07	09/12/07	000	TBA Moot	10/01/10	VB DG
00021003	AMENDED Order of Court dated November 16, 2007 that Defendants' motion for summary judgment is GRANTED as to Counts I, II, III, IV and V, etc. (Nance, J.)	12/07/07	12/07/07	000	TBA Moot	10/01/10	PJY DG
00021004	Copies Mailed	12/07/07	12/07/07	000	TBA Moot	10/01/10	PJY DG
00022000	Motion to Extend Time to File an Answer Filed by PLT011-Lewis, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Foxworth, DEF006-Commissioners Of The District Court For Baltimore City	09/05/07	09/06/07	PLT011	TBA Moot	10/01/10	BLB DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00022001	Response/Opposition to Motion Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	09/24/07	09/26/07	PLT001	TBA Moot	10/01/10	THO DG
00023000	Standard Short Track Scheduling Order Se	09/10/07	09/10/07	000	TBA Moot	09/10/07	MBN
00024000	Notice Motion Hearing Sent Event: MOTN Block Date: 10/15/07 Facility: 556 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Peltzman, Cynthia 200 St Paul Place 20th Floor, 21202, MD, 21201 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	09/17/07	09/17/07	000	TBA Moot	09/17/07	DLI
00025000	Notice Motion Hearing Sent Event: MOTN Block Date: 10/24/07 Facility: 556 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Peltzman, Cynthia 200 St Paul Place 20th Floor, 21202, MD, 21201 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	09/28/07	09/28/07	000	TBA Moot	09/28/07	DLI
00026000	Civil Postponement Approved	10/02/07	10/02/07	000	JPM Approved	09/28/07	THO
00027000	Notice Motion Hearing Sent Event: MOTN Block Date: 10/24/07 Facility: 556 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Peltzman, Cynthia 200 St Paul Place 20th Floor, 21202, MD, 21201 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	10/11/07	10/11/07	000	TBA Moot	10/11/07	KFS
00028000	Civil Cover Sheet generated	10/12/07	10/12/07	000	TBA Moot	10/12/07	KFS
00029000	Plt's unopposed motion to extend	10/17/07	10/18/07	PLT001	TBA Moot	10/01/10	THO DG

scheduling order
 Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway,
 PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse,
 PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00030000	Hearing/Trial Notice Sent Event: PTC Block Date: 11/01/07 Facility: 523 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Peltzman, Cynthia 200 St Paul Place 20th Floor, 21202, MD, 21201 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	10/19/07	10/19/07	000	TBA Moot	10/19/07	DCM
00031000	Notice Motion Hearing/Mod Sched Order	10/19/07	10/19/07	000	TBA Moot	10/19/07	DCM
00032000	Civil Cover Sheet generated	10/22/07	10/22/07	000	TBA Moot	10/22/07	KFS
00033000	Hearing/Trial Notice Sent Event: PTC Block Date: 03/07/08 Facility: 508 PARTIES : Shelton, Gloria St. Paul Plaza 20th Floor 200 St. Paul Place, Baltimore, MD, 21202 Peltzman, Cynthia 200 St Paul Place 20th Floor, 21202, MD, 21201 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	11/01/07	11/01/07	000	TBA Moot	11/01/07	DCM
00034000	Order of Court dated November 16, 2007 that Defendants' cross-motion for summary judgment is GRANTED as to Counts I, II, III, IV and V; further that the remaining motions are dismissed as MOOT (Nance, J.) (NOTE: See AMENDED ORDER entered on 12/7/07; #21.3)	11/28/07	11/28/07	000	TBA Moot	10/01/10	PJY DG
00034001	Copies Mailed	11/28/07	11/28/07	000	TBA Moot	10/01/10	PJY DG
00035000	Appeal Order to COSA	12/17/07	12/17/07	PLT001	TBA Moot	10/01/10	RTB DG
00036000	Reminder Notice Sent	01/08/08	01/08/08	000	TBA Moot	01/08/08	TVM
00037000	Order of COSA to Proceed COSA No.: 02413 Sept Term 2007 Due Date: 03/15 Assigned to Rashay	01/18/08	01/18/08	000	TBA Moot	10/01/10	RTB DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00038000	Copy of Request for Transcript Filed by Attorney: Mitchel Mirviss	01/25/08	01/28/08	PLT001	TBA Moot	01/28/08	RTB
00039000	Civil Cover Sheet generated	02/26/08	02/26/08	000	TBA Moot	02/26/08	TVM
00040000	Transcript of Testimony For proceeding held on October 24, 2007 before Judge Alfred Nance. Costs: \$348.75	03/14/08	03/14/08	000	TBA Moot	10/01/10	RTB DG
00041000	Transcript of Testimony For proceeding held on May 25, 2007 beofre Judge Stuart R. Berger Costs: \$281.25	03/14/08	03/14/08	000	TBA Moot	10/01/10	RTB DG
00042000	Record on Appeal Forwarded to COSA 03/14/08- 5 Volumes, 1 Envelope with Exhibits to Docket Entry No.: 8/4) forwarded to COSA via certified mail return receipt no.: 7007-0220-0002-7423-4938	03/14/08	03/17/08	000	TBA Moot	10/01/10	RTB DG
00043000	Certified Mailing Receipt #7007-0220-0002-7423-4938	03/26/08	03/26/08	000	TBA Moot	10/01/10	RTB DG
00044000	Receipt of Record in COSA	04/03/08	04/03/08	000	TBA Moot	10/01/10	RTB DG
00045000	Hearing/Trial Notice Sent Event: HEAR Block Date: 03/18/10 Facility: 556 PARTIES : Wilson-Shelton, Gloria 1750 Forest Drive , Annapolis, MD, 21401 Peltzman, Cynthia 3430 Courthouse Drive , Ellicott City, MD, 21043 Schatzow, Michael 1800 Merc. Bank & Trust 2 Hopkins Plaza, Baltimore, MD, 21201 Mirviss, Mitchel 1800 Mercantile Bank Bldg 2 Hopkins Plaza, Baltimore, MD, 21201 Shivers, Nathaniel . . .	03/11/10	03/11/10	000	TBA Moot	03/11/10	DCM
00046000	Substitution of Counsel	03/16/10	03/18/10	DEF001	TBA Moot	10/01/10	QUM DG
00047000	Attorney Appearance Removed Gloria Wilson-Shelton	03/18/10	03/18/10	DEF001	TBA Moot	03/16/10	QUM
00048000	Attorney Appearance Removed Cynthia G Peltzman	03/18/10	03/18/10	DEF001	TBA Moot	03/16/10	QUM
00049000	Order of Court Ordered, that Pltffs Petition to Certify this case as a Class Action suit hereby conditionally DENIED. And further Ordered, that Pltffs shall join the Office of the Public Defender of the State of Maryland as a necessary party Defendant, pusuant to Rule 2-211(a), on or before 4/15/10. If Pltffs fail to do so, the above reference case shall be dismissed with prejudice, Nance J	03/18/10	03/18/10	000	AN Denied	03/18/10	DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00049001	Copies Mailed	03/18/10	03/18/10	000	TBA Moot	10/01/10	DG DG
00050000	Attorney Appearance Filed - CLERICAL ERROR Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	03/22/10	03/22/10	PLT001	TBA Moot	10/01/10	MST DG
00051000	Withdrawal of Appearance Filed by PLT002-Jett, DEF001-District Court Of Maryland	03/18/10	03/23/10	PLT002	TBA Moot	10/01/10	PMR DG
00052000	Notice Of Change Of Address	03/19/10	03/25/10	PLT001	TBA Moot	10/01/10	ASJ DG
00053000	Second Amended Class-Action Complaint For Declaratory And Injunctive Relief Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton	04/05/10	04/09/10	PLT001	AN Denied	12/28/10	ASJ DG
00053001	Answer To Second Amended Complaint Filed by DEF001-District Court Of Maryland, DEF006-Commissioners Of The District Court For Baltimore City	04/23/10	04/28/10	DEF001	TBA Moot	10/01/10	MST DG
00053002	Answer to Second Amended Complaint	06/01/10	06/07/10	DEF008	TBA Moot	10/01/10	BLB DG
00053003	Amended Answer	06/17/10	06/18/10	DEF008	TBA Moot	10/01/10	AEK DG
00053004	Order of Court Ordered, that Pltff's Request for an Injunction is Denied without prejudice, it being premature at this time in view of this Court's Order of Stay and the issues presently on appeal, but may be renewed after appellate proceedings are concluded, Nance J	12/29/10	12/29/10	000	AN Moot	10/01/10	DG DG
00053005	Copies Mailed	12/29/10	12/29/10	000	TBA Moot	10/01/10	DG DG
00053006	Response To Plaintiff's Request For Revision of December 29, 2010 Order On Injunctive Relief: Filed by DEF002-Clyburn, DEF003-Weissert	02/16/11	02/22/11	DEF002	TBA Moot	10/01/10	PMR DG
00053007	Amended Order of Court Ordered, that Pltff's Request for an Injunction is hereby Denied, Nance J	02/25/11	02/25/11	000	AN Moot	10/01/10	DG DG
00053008	Copies Mailed	02/25/11	02/25/11	000	TBA Moot	10/01/10	DG DG
00054000	DISPOSITION OF APPEAL IN COURT OF APPEALS: March 5, 2010 - ORDERED that the judgment of the Circuit Court be and it is hereby vacated; and it is further ORDERED that the case be remanded to the Circuit Court; and it is further ORDERED that the Circuit Court, as soon as is reasonably practical, enter a	04/15/10	04/15/10	000	TBA Moot	04/15/10	RM RM

conditional order of refusal to certify this case as a class action; and it is further ORDERED that the Circuit Court enter and Order dismissing the complaint on April 6, 2010, unless by the date Appellants have joined the Public Defender as a party in TRANSCRIPTS this case. Mandate to issue forthwith.

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00055000	Original Papers returned from the Court of Special Appeals 5 brick binders, 2 transcripts, and 1 manila envelope returned from COA. Volume 1 and 2 transcripts placed on shelf for DCM Coordinator to pick up and review.	04/15/10	04/15/10	000	TBA Moot	04/15/10	RM RM
00056000	Line Please note the following change of address for counsel for the Plaintiffs.	04/19/10	04/19/10	PLT001	TBA Moot	04/19/10	WZ
00057000	Motion for Substitution of Party	04/05/10	04/21/10	PLT001	TBA Moot	10/01/10	ASJ DG
00058000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	04/29/10	04/29/10	DEF008	TBA Moot	04/29/10	ASJ ASJ
00059000	Notice Motion Hearing Sent Event: MOTN Block Date: 07/19/10 Facility: 556 PARTIES : Curtis, H 200 Saint Paul Place 20th Floor, Baltimore, MD, 21202 Wilson-Shelton, Gloria 1750 Forest Drive , Annapolis, MD, 21401 Peltzman, Cynthia 3430 Courthouse Drive , Ellicott City, MD, 21043 Hargrove, John 5800 Wabash Avenue , Baltimore, MD, 21215 Wolfe, Paul 6 Saint Paul Street Suite 1400, Baltimore, MD, 21202 Schatzow, Michael 750 East Pratt Street Suite 900, Baltimore, MD, 21202 Mirviss, Mitchel 750 East Pratt Street Suite 900, Baltimore, MD, 21201 Colbert, Douglas Access To Justice Clinic 500 West Baltimore Street, Baltimore, MD, 212011783	06/08/10	06/08/10	000	TBA Moot	06/08/10	DLI
00060000	Notice of substitution of Party	06/18/10	06/22/10	PLT001	TBA Moot	10/01/10	ASJ DG
00061000	Consent Motion to Extend the Time for Filing Motions Filed by DEF001-District Court Of Maryland, DEF003-Weissert, DEF007-Hargrove, DEF005-Lewis	06/28/10	06/29/10	DEF001	WMP Approved	07/16/10	DB JB
00061001	Order of Court Ordered nunc pro tunc that the motion to extend the time for filing motions in this case from June 28, 2010 to June 29, 2010 and further Ordered that the time for filing motions in this case is extended	07/23/10	07/23/10	000	WMP Moot	10/01/10	JB DG

from June 28, 2010 to June 29, 2010.

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00061002	Copies Mailed	07/23/10	07/23/10	000	TBA Moot	10/01/10	JB DG
00062000	MEMORANDUM OF THE PUBLIC DEFENDER IN RESPONSE TO PLAINTIFFS' AND DISTRICT COURT DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT	06/28/10	06/30/10	ITP001	TBA Moot	10/01/10	AT DG
00063000	Standard Short Track Scheduling Order Se	06/30/10	06/30/10	000	TBA Moot	06/30/10	AT
00064000	DISTRICT COURT DEFENDANTS' MOTION TO DISMISS SECOND AMENDED COMPLAINT (SEE PLEADING #77 FOR SIGNED ORDER) Filed by DEF002-Clyburn, DEF001-District Court Of Maryland, DEF003-Weissert, DEF006-Commissioners Of The District Court For Baltimore City, DEF007-Hargrove	06/29/10	06/30/10	DEF002	AN Denied	09/30/10	AT AT
00064001	Plaintiffs' Consolidate Response To District Court Defendants' Motion To Dismiss and Reply To Response By The Public Defender To Plaintiffs' and Defendants' Motions for Summary Judgment With Exhibits : Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers Filed by Attorney: Michael Schatzow Esq.Douglas L Colbert Esq	07/12/10	07/13/10	PLT001	TBA Moot	10/01/10	PMR DG
00065000	Notice Motion Hearing Sent Event: MOTN Block Date: 07/19/10 Facility: 556 PARTIES : Curtis, H 200 Saint Paul Place 20th Floor, Baltimore, MD. 21202 Wilson-Shelton, Gloria 1750 Forest Drive . Annapolis, MD. 21401 Peltzman, Cynthia 3430 Courthouse Drive , Ellicott City, MD. 21043 Hargrove, John 5800 Wabash Avenue . Baltimore, MD. 21215 Wolfe, Paul 6 Saint Paul Street Suite 1400, Baltimore, MD. 21202 Bashur, Ashley 1875 Pennsylvania Ave NW , Washington, DC. 20006 Schatzow, Michael 750 East Pratt Street Suite 900, Baltimore, MD. 21202 Mirviss, Mitchel 750 East Pratt Street Suite 900, Baltimore, MD. 21201 Colbert, Douglas Access To Justice Clinic 500 West Baltimore Street, Baltimore, MD. 212011783	07/07/10	07/07/10	000	TBA Moot	07/07/10	KFS
00066000	Joint Consent Motion to Extend the Time for Filing Responses Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers, DEF005-Lewis, DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF006-Commissioners Of The	07/08/10	07/09/10	PLT001	WMP Granted	08/05/10	DB DG

District Court For Baltimore City

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User	ID
00066001	Order to Extend the Time for Filing Responses Ordered. Nunc pro tunc. that the Joint Consent Motion is Granted & Ordered that the time for filing responses in this case is extended from July 9. 2010 to July 12. 2010. So Ordered. Pierson J	08/18/10	08/18/10	000	WMP Moot	10/01/10	DG	DG
00066002	Copies Mailed	08/18/10	08/18/10	000	TBA Moot	10/01/10	DG	DG
00067000	third Amended class-action Complaint	07/26/10	07/28/10	PLT001	TBA Moot	10/01/10	AEK	DG
00067001	Amended Order (copy of original) Ordered. that Plaintiff's Request for an Injunction is hereby Denied. (Nance. A.. Judge)	04/15/11	04/15/11	000	AN Moot	10/01/10	JB	DG
00067002	Copies Mailed by the staff of Judge Nance	02/14/11	04/15/11	000	TBA Moot	10/01/10	JB	DG
00068000	Motion for Special Admission of an out-of-state attorney	07/21/10	07/29/10	000	AN Granted	07/19/10	VB	
00068001	Order of Court Ordered that the Motion be and hereby is granted and that A Stephen Hut. Jr.. shall be permitted to appear and participate in this case as co-counsel for the Public Defender. Judge Nance	07/29/10	07/29/10	000	AN Moot	10/01/10	VB	DG
00068002	Copies Mailed	07/29/10	07/29/10	000	TBA Moot	10/01/10	VB	DG
00069000	Motion for Special Admission Pro Hac Vic A. Stephen Hut. Jr	07/21/10	07/29/10	ITP001	TBA Moot	10/01/10	DB	DG
00070000	Consent Motion to Amend Schedule for Filing Memoranda Filed by DEF002-Clyburn. DEF006-Commissioners Of The District Court For Baltimore City. DEF003-Weissert	07/30/10	08/03/10	DEF002	AN Granted	07/30/10	DB	DG
00070001	Order of Court Ordered that Motion is Granted & Ordered that deadline for Pltffs to file a renewed & amended Motion for Summary Judgment & Memorandum by 8/3/10; & Ordered that the deadline for the District Court Defts & the Public Defender to file responsive memorandum shall before 15 days after service by e-mail of the Pltffs' summary judgment papers. Nance J	08/18/10	08/18/10	000	AN Moot	10/01/10	DG	DG
00070002	Copies Mailed	08/18/10	08/18/10	000	TBA Moot	10/01/10	DG	DG
00071000	Motion For leave To File Renewed And Amended Motion For SEE PLEADING #77 FOR SIGNED ORDER	08/03/10	08/05/10	PLT001	AN Granted	09/30/10	JB	AT

Summary Judgment

Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway,
 PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse,
 PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers
 *****THE MOTION FOR RENEWED & AMENDED COMPLAINT IS ATTACHED TO
 THIS MOTION. IF GRANTED PLEASE ENTER.

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00071001	Memorandum of The Public Defender In Response To Plaintiffs' Renewed And Amended Motion For Summary Judgment	08/18/10	08/25/10	ITP001	TBA Moot	10/01/10	JB DG
00071002	Opposition To Pltffs' Renewed Amended Motion For Summary Judgment Filed by DEF001-District Court Of Maryland, DEF002-Clyburn, DEF007-Hargrove, DEF003-Weissert, DEF005-Lewis	08/18/10	08/25/10	DEF001	TBA Moot	10/01/10	JB DG
00071003	Plaintiffs' Limited Reply To The Public Defender's Response To Plaintiffs' With Exhibits :Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele	09/02/10	09/03/10	PLT001	TBA Moot	10/01/10	PMR DG
00072000	Notice Motion Hearing Sent Event: MOTN Block Date: 09/30/10 Facility: 556 PARTIES : Curtis, H 200 Saint Paul Place 20th Floor, Baltimore, MD, 21202 Wilson-Shelton, Gloria 1750 Forest Drive , Annapolis, MD, 21401 Peltzman, Cynthia 3430 Courthouse Drive , Ellicott City, MD, 21043 Brockman, William Civil Litigation Division 200 St. Paul Place, Baltimore, MD, 212012021 Wolfe, Paul 6 Saint Paul Street Suite 1400, Baltimore, MD, 21202 Bashur, Ashley 1875 Pennsylvania Ave NW , Washington, DC, 20006 Hut, A 1875 Pennsylvania Ave NW , Washington, DC, 20006 Schatzow, Michael 750 East Pratt Street Suite 900, Baltimore, MD, 21202 Mirviss, Mitchel 750 East Pratt Street Suite 900, Baltimore, MD, 21201 Shivers, Nathaniel . . .	09/13/10	09/13/10	000	TBA Moot	09/13/10	FM
00073000	Motion for Leave to File Supplemental Affidavit of Paul B. DeWolf Jr in Support of Public Defender's Response to Plaintiff's Renewed and Amended Motion for Summary Judgment	09/09/10	09/14/10	DEF008	AN Granted	09/10/10	DB ASJ
00073001	Order of Court It is on this 10th day of September, 2010, ORDERED that the Motion be, and hereby is GRANTED, and that the Public Defender be allowed to file the Supplemental Affidavit.	10/06/10	10/06/10	000	AN Moot	10/01/10	ASJ DG

(Nance,J)

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00073002	Copies Mailed	10/06/10	10/06/10	000	TBA Moot	10/01/10	ASJ DG
00074000	Supplemental Affidavit of Paul B. DeWolfe Jr in Support of Public Defender's Response to Plaintiff's Renewed and Amended Motion for Summary Judgment	09/09/10	09/14/10	DEF008	TBA Moot	10/01/10	DB DG
00075000	Notice Motion Hearing Sent Event: MOTN Block Date: 09/30/10 Facility: 556 PARTIES : Curtis, H 200 Saint Paul Place 20th Floor, Baltimore, MD, 21202 Wilson-Shelton, Gloria 1750 Forest Drive , Annapolis, MD, 21401 Peltzman, Cynthia 3430 Courthouse Drive , Ellicott City, MD, 21043 Brockman, William Civil Litigation Division 200 St. Paul Place, Baltimore, MD, 212012021 DeWolfe, Paul 6 Saint Paul Street Suite 1400, Baltimore, MD, 21202 Bashur, Ashley 1875 Pennsylvania Ave NW , Washington, DC, 20006 Hut, A 1875 Pennsylvania Ave NW , Washington, DC, 20006 Schatzow, Michael 750 East Pratt Street Suite 900, Baltimore, MD, 21202 Mirviss, Mitchel 750 East Pratt Street Suite 900, Baltimore, MD, 21201 Shivers, Nathaniel . . .	09/20/10	09/20/10	000	TBA Moot	09/20/10	TLW
00076000	Withdrawal of Appearance(Filed By Howard County Office of Law) Cynthia G. Peltzman is no longer employed in Attorney General's Office and therefore no longer represents said Defendants. Office	09/27/10	09/27/10	000	TBA Moot	10/01/10	PMR DG
00077000	Memorandum Opinion ORDER 9/30/10 ORDERED THAT THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS HEREBY DENIED. AND, ORDERED THAT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS HEREBY GRANTED AND FURTHER ORDERED THAT THE DECISION OF THIS COURT IS HEREBY STAYED, GIVING AN OPPORTUNITY FOR THE FILING OF ANY APPEALS AND DECISIONS THEREON. (NANCE, J)	10/01/10	10/01/10	000	AN Moot	10/01/10	AT
00077001	Copies Mailed	10/01/10	10/01/10	000	TBA Moot	10/01/10	AT DG
00078000	Appeal Order to COSA Filed by Attorney: A Stephen Hut Jr.Ashley Bashur Esq	11/01/10	11/01/10	ITP001	TBA Moot	10/01/10	RM DG
00079000	Appeal Order to COSA Filed by Attorney: William F Brockman Esq Mailed phc form, mediation pamphlet, and appeal filing fee receipt to appellant.	11/01/10	11/03/10	DEF001	TBA Moot	10/01/10	RM DG
00080000	MOTION FOR ENTRY OF ORDERS CLARIFYING	12/09/10	12/14/10	DEF002	AN Granted	12/28/10	AT DG

FINAL JUDGMENT

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00080001	Public Defender's Response To Motion For Entry of Orders Clarifying Final Judgment	12/22/10	12/28/10	DEF008	TBA Moot	10/01/10	PMR DG
00080002	Plaintiffs Response To Motion For Entry of Orders Clarifying Final Judgment and Exhibits Filed by Attorney: Michael Schatzow Esq	12/27/10	12/29/10	PLT001	TBA Moot	10/01/10	PMR DG
00080003	Declaratory Judgment (SEE ORDER FOR DETAILS)	12/29/10	12/29/10	000	AN Moot	10/01/10	DG DG
00080004	Copies Mailed	12/29/10	12/29/10	000	TBA Moot	10/01/10	DG DG
00081000	Received letter from COSA	12/21/10	12/21/10	000	TBA Moot	10/01/10	RM DG
00082000	Line:RE:Proposed Order Directing Entry of Final Judgment Submitted Filed by Attorney: Michael Schatzow Esq	12/27/10	12/29/10	PLT001	TBA Moot	12/29/10	PMR
00083000	Correspondence-letter to Judge Nance With proposed orders Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	02/08/11	02/14/11	PLT001	TBA Moot	10/01/10	JB DG
00083001	RESPONSE TO PLTFF'S REQUEST FOR REVISION OF DEC. 29, 2010 ORDER ON INJUNCTIVE RELIEF. Filed by DEF002-Clyburn, DEF006-Commissioners Of The District Court For Baltimore City, DEF005-Lewis, DEF003-Weissert	03/29/11	03/29/11	DEF002	TBA Moot	10/01/10	BLB DG
00084000	Correspondence to Judge Nance from atty A. Stephen Hut, Jr	02/11/11	02/15/11	000	TBA Moot	10/01/10	DB DG
00085000	Correspondence to Judge Nance Filed by Attorney: Mitchel Mirviss	02/17/11	02/18/11	PLT001	TBA Moot	10/01/10	AT DG
00086000	Order of COSA to Proceed No. 02033, September Term, 2010 Due date: 04/16/11 Assigned to R. Myles	02/23/11	02/24/11	000	TBA Moot	10/01/10	WZ DG
00087000	Correspondence from Attorney Ashley E. Bashur	02/25/11	02/28/11	ITP001	TBA Moot	10/01/10	WZ DG
00088000	Appeal Order to COSA Filed by Attorney: William F Brockman Esq	03/09/11	03/09/11	DEF001	TBA Moot	10/01/10	RM DG
00089000	Renewed Appeal Order to COSA	03/15/11	03/15/11	ITP001	TBA Moot	10/01/10	RM DG

Filed by Attorney: Ashley Bashur Esq.A Stephen Hut Jr
Mailed phc form, and pamphlet to Appellant.

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00090000	Cross-Appeal Order to COSA Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT008-Roman, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	03/16/11	03/16/11	PLT001	TBA Moot	10/01/10	WZ DG
00091000	Renewed Notice of Appeal Order to COSA Filed by Attorney: William F Brockman Esq Filed by Attorney: William F Brockman Esq	03/11/11	03/16/11	DEF001	TBA Moot	10/01/10	RM DG
00092000	Received Correspondence from COSA	04/04/11	04/04/11	000	TBA Moot	10/01/10	RM DG
00093000	Acknowledgement of COA of Receipt of Request for Writ of Certiorari	04/09/11	04/11/11	000	TBA Moot	10/01/10	RM RM
00093001	Order of Court of Appeals ORDERED, by the Court of Appeals of Maryland, that the petition and the conditional cross-petition be, and they are hereby, granted, and a writ of certiorari to the Court of Special Appeals shall issue; and it is further ORDERED, that said case shall be transferred to the regular docket as No. 34, September Term, 2011; and it is further ORDERED, that counsel shall file briefs and printed record extract in accordance with Md. Rule 8-501 and 8-502, appellants' brief(s) and record extract to be filed on or before July 26, 2011; appellee/cross-appellants' brief(s) to be filed on or before August 25, 2011; cross-appellees' brief(s) to be filed on or before September 26, 2011; and it is further ORDERED, that this case shall be set for argument during the November session of Court.	06/22/11	06/24/11	000	TBA Moot	10/01/10	RM DG
00094000	Record on Appeal Forwarded to COSA 9 brick binders, 2 transcripts, and 1 manila envelope w/docket entry 8/4 enclosed sent in wrapped box via certified mail 7002 0860 0006 6076 8402.	04/18/11	04/18/11	000	TBA Moot	10/01/10	RM DG
00094001	Copies Mailed	04/18/11	04/18/11	000	TBA Moot	10/01/10	RM DG
00095000	Certified Mailing Receipt # 7002 0860 0006 6076 8402 from COSA	04/22/11	04/22/11	000	TBA Moot	10/01/10	RM DG
00096000	Reminder Notice Sent	09/14/11	09/14/11	000	TBA Moot	09/14/11	KFS
00097000	Correspondence from attorney Mitchell Mirviss to Judge Alfred Nance	10/22/13	10/25/13	PLT001	TBA Moot	10/01/10	WZ DG
00097001	Memorandum Of The Public Defender In Response To Plaintiffs'Proposed Declaratory	10/30/13	11/05/13	PLT001	TBA Moot	10/01/10	MST DG

Judgment With Exhibits Attached
 Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway,
 PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse,
 PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00098000	Motion to Vacate Declaratory Judgment and Exhibits Filed by DEF002-Clyburn, DEF003-Weissert, DEF005-Lewis, DEF006-Commissioners Of The District Court For Baltimore City	10/28/13	10/30/13	DEF002	AN Denied	11/01/13	DB VT
00098001	Plaintiffs' Response To District Court Defendants' Motion To Vacate Declaratory Judgment With Proposed Order Attached Filed by PLT001-Richmond, PLT002-Jett, PLT003-Callaway, PLT004-Singleton, PLT005-Wright, PLT006-Wilds, PLT007-LaGrasse, PLT008-Roman, PLT009-Steele, PLT010-Baker, PLT011-Lewis, PLT012-Shivers	10/29/13	10/30/13	PLT001	TBA Moot	10/01/10	MST DG
00098002	Reply Memorandum In Support of Motion To Vacate Declaratory Judgment With Exhibits Attached Filed by DEF002-Clyburn, DEF003-Weissert, DEF005-Lewis, DEF007-Hargrove, DEF006-Commissioners Of The District Court For Baltimore City	10/29/13	10/31/13	DEF002	TBA Moot	10/01/10	MST DG
00098003	Order of Court It is this 1st day of November 2013. Ordered that the motion is hereby denied Nance. J	11/06/13	11/06/13	000	AN Moot	10/01/10	VT DG
00098004	Copies Mailed	11/06/13	11/06/13	000	TBA Moot	10/01/10	VT DG
00099000	Correspondence	10/24/13	10/30/13	DEF007	TBA Moot	10/01/10	AEK DG
00100000	Correspondence From Ashley E. Bashur Filed by Attorney: Ashley Bashur Esq	10/29/13	10/31/13	ITP001	TBA Moot	10/01/10	MST DG
00101000	Declaratory Judgment (Order of Court)	11/07/13	11/07/13	000	AN Granted	10/23/13	DG
00101001	Copies Mailed	11/07/13	11/07/13	000	TBA		DG
00102000	Miscellaneous Document Filed by DEF002-Clyburn, DEF003-Weissert, DEF005-Lewis, DEF001-District Court Of Maryland, DEF007-Hargrove, DEF006-Commissioners Of The District Court For Baltimore City	11/14/13	11/15/13	DEF002	TBA		DB
00103000	DISPOSITION OF APPEAL IN COURT OF APPEALS January 4, 2012 - Judgment o the Circuit Court for Baltimore City affirmed. Costs to be paid by the District Court defendants. Opinion by Barbera, J. Concurring and Dissenting Opinion by Harrell, J., which Adkins.	12/04/13	12/04/13	000	TBA Moot	12/04/13	RM RM

J., Joins.

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00104000	Original Papers returned from the Court of Special Appeals 10 brick binders and 1 manila envelope w/docket # 8/4 enclosed returned from COA. Placed Volume 1 brick binder and Part 2 of Volume 1 on shelf for DCM Coordinator to pick up and review.	12/04/13	12/04/13	000	TBA Moot	12/04/13	RM
00105000	Petition for Further Relief .Memorandum In Support of Petition.Proposed Order To Show Cause And Proposed Order Granting Permanent Injunction. Filed by Attorney: Michael Schatzow Esq Filed by Attorney: Michael Schatzow Esq	12/05/12	12/12/13	PLT001	AN Granted	01/10/14	PMR DG
00105001	THE PUBLIC DEFENDER'S RESPONSE TO PLAINTIFFS' PETITION FOR FURTHER RELIEF AGAINST THE DISTRICT COURT DEFENDANTS	12/20/13	12/26/13	DEF008	TBA		RD RD
00105002	Order of Court ORDERED that the Pltffs Petition for Further Relief is GRANTED. & ORDERED that the District Court Defts are to appoint counsel for Pltffs at all initial bail hearings. And, further ORDERED. that this Court finds that the grounds for a PERMANENT INJUNCTION have been SATISFIED. Further it is ORDERED. that the District Court Defts are hereby PROHIBITED AND ENJOINED from a) conducting initial bail hearings without appointing counsel for Pltffs. and/or b) directing the incarceration of any Pltffs who have not been provided counsel at such hearings. And. ORDERED. that this Order shall take effect IMMEDIATELY. Nance J	01/10/14	01/10/14	000	AN		DG
00105003	Copies Mailed	01/10/14	01/10/14	000	TBA		DG
00105004	Amended Order of Court ORDERED that the Pltff's Petition for Further Relief is GRANTED & ORDERED that the District Court Defts are to appoint counsel for Pltffs at all initial bail hearings. And ORDERED. that the District Court are hereby PROHIBITED & ENJOINED from a) conduction initial bail hearings without appointing counsel for Pltffs and/or b) directing the incarceration of any Pltffs who have not been provided counsel at such hearings. And ORDERED that this Order shall take effect IMMEDIATELY. Nance J	01/13/14	01/13/14	000	AN		DG
00105005	Copies Mailed	01/13/14	01/13/14	000	TBA		DG
00106000	Order of Court ORDERED that Pltff's Motion to Vacate Declaratory Judgment is hereby DENIED. Nance J	01/10/14	01/10/14	000	AN		DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00106001	Copies Mailed	01/10/14	01/10/14	000	TBA		DG
00107000	Appeal Order to COSA Filed by DEF001-District Court Of Maryland, DEF002-Clyburn, DEF003-Weissert, DEF004-Matthews, DEF005-Lewis, DEF006-Commissioners Of The District Court For Baltimore City, DEF007-Hargrove	01/13/14	01/13/14	DEF001	TBA		WZ
00108000	Correspondence	01/08/14	01/17/14	000	TBA		LAC
00109000	Acknowledgement of COA of Receipt of Request for Writ of Certiorari	01/17/14	01/22/14	000	TBA		RM
00109001	Order of Court of Appeals Upon consideration of the petition for a writ of Certiorari to the Court of Special Appeals and the answer filed thereto, in the above entitled cse, it is this 23rd day of January, 2014 ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, granted.	01/27/14	01/27/14	000	TBA		RM
00110000	Additional Pleadings Forwarded to COA in manila envelope via fedex 8033 6706 365 5	01/29/14	01/29/14	000	TBA		RM RM
00111000	Correspondence To Judge Nance Requestind Status of Plaintiff's Petition	01/08/14	01/31/14	PLT001	TBA		LAC RM

SERVICE

Form Name	Issued	Response Served	Returned Agency
WRIT OF SUMMONS DEF001 District Court Of Maryland.	11/17/06		Private Process
WRIT OF SUMMONS DEF001 District Court Of Maryland.	04/09/10		Private Process
WRIT OF SUMMONS DEF002 Clyburn, Ben	11/17/06		Private Process
WRIT OF SUMMONS DEF002 Clyburn, Ben	04/09/10		Private Process
WRIT OF SUMMONS DEF003 Weissert, David	11/17/06		Private Process
WRIT OF SUMMONS DEF003 Weissert, David	04/09/10		Private Process

Form Name	Issued	Response Served	Returned	Agency
WRIT OF SUMMONS DEF004 Matthews, Keith	11/17/06			Private Process
WRIT OF SUMMONS DEF004 Matthews, Keith	04/09/10			Private Process
WRIT OF SUMMONS DEF005 Lewis, Linda	11/17/06			Private Process
WRIT OF SUMMONS DEF005 Lewis, Linda	04/09/10			Private Process
WRIT OF SUMMONS DEF006 Commissioners Of The District Cou	11/17/06			Private Process
WRIT OF SUMMONS DEF006 Commissioners Of The District Cou	04/09/10			Private Process
WRIT OF SUMMONS DEF007 Hargrove, John	04/09/10			Private Process
WRIT OF SUMMONS DEF008 DeWolfe, Paul	04/09/10			Private Process
WRIT OF SUMMONS (Private Process) DEF008 DeWolfe, Paul	04/19/10	05/20/10	04/20/10	Private Process

TICKLE

Code Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS 1st Answer Tickle	CLOSED	09/05/07	0	no	no	DANS	D	1	001
1ANS 1st Answer Tickle	OPEN	12/20/13	0	no	no	DRFR	D	105	001
COSA Preparation Of Recor	CLOSED	04/10/11	46	yes	no	DPHC	D	86	000
DCML DCM Information List	CANCEL	09/05/07	0	no	no	1ANS	T	1	001
DCML DCM Information List	OPEN	12/20/13	0	no	no	1ANS	T	105	001
LSRV 120 Days Lack Of Jur	CANCEL	03/23/07	126	no	no			0	000
LSRV 120 Days Lack Of Jur	CLOSED	03/23/07	126	no	no	SUMM	F	0	000
LSRV 120 Days Lack Of Jur	CLOSED	03/23/07	126	no	no	SUMM	F	0	000
LSRV 120 Days Lack Of Jur	CLOSED	03/23/07	126	no	no	SUMM	F	0	000
LSRV 120 Days Lack Of Jur	CLOSED	03/23/07	126	no	no	SUMM	F	0	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
LSRV	120 Days Lack Of Jur	CLOSED	03/23/07	126	no	no		SUMM F	0	000
LSRV	120 Days Lack Of Jur	CLOSED	08/13/10	126	no	no			0	000
LSRV	120 Days Lack Of Jur	CANCEL	08/13/10	126	no	no		SUMM F	0	000
SLDR	Set List - Discovery	CANCEL	01/05/07	21	no	no		MEXD D	2	000
SLJR	Set List - JIC Rulin	CANCEL	09/27/07	21	no	no			0	000
SLJR	Set List - JIC Rulin	CANCEL	04/08/10	21	no	no		MSAP D	51	000
SLJR	Set List - JIC Rulin	CANCEL	12/30/10	21	no	no		MMOT D	80	000
SLMH	Set List For Motions	CANCEL	04/09/07	5	no	no		DHRR D	5	002
SLMH	Set List For Motions	CANCEL	09/17/07	5	no	no		DHRR D	21	002
SLMR	Set List For Motions	CANCEL	01/31/07	21	yes	no		MEXD D	0	000
SLMR	Set List For Motions	CLOSED	02/13/07	21	yes	no		MEXT D	0	000
SLMR	Set List For Motions	CLOSED	03/06/07	21	yes	no		MDIS D	5	000
SLMR	Set List For Motions	CANCEL	04/25/07	21	yes	no		MJSM D	8	000
SLMR	Set List For Motions	CANCEL	04/25/07	21	yes	no		SLMH T	9	000
SLMR	Set List For Motions	CANCEL	08/27/07	40	yes	no		SLMH T	18	000
SLMR	Set List For Motions	CANCEL	08/27/07	26	yes	no		MJSM D	21	000
SLMR	Set List For Motions	CANCEL	04/26/10	21	yes	no		MTSP D	57	000
SLMR	Set List For Motions	CANCEL	07/20/10	21	yes	no		MDIS D	64	000
SLMR	Set List For Motions	CANCEL	08/24/10	21	yes	no		DMTN D	71	000
SLMR	Set List For Motions	CANCEL	12/30/10	21	yes	no		MMOT D	80	000
SLMR	Set List For Motions	CLOSED	11/18/13	21	yes	no		MJVA D	98	000
SLMR	Set List For Motions	CLOSED	11/19/13	14	yes	no			0	000
TIME	Motion To Extend/Sho	CANCEL	12/16/06	1	yes	no		MEXD D	2	000
TIME	Motion To Extend/Sho	CANCEL	02/01/07	1	yes	no		MEXT D	3	000
TIME	Motion To Extend/Sho	CANCEL	07/11/07	1	yes	no		DCMT D	17	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
TIME	Motion To Extend/Sho	CANCEL	08/01/07	1	yes	no		DCMT D	20	000
TIME	Motion To Extend/Sho	CANCEL	09/06/07	1	yes	no		MEXT D	22	000
TIME	Motion To Extend/Sho	CANCEL	10/18/07	1	yes	no		MEXT D	29	000
TIME	Motion To Extend/Sho	CANCEL	06/29/10	1	yes	no		DCMT D	61	000
TIME	Motion To Extend/Sho	CANCEL	07/09/10	1	yes	no		MJNT D	66	000
TIME	Motion To Extend/Sho	CANCEL	07/31/10	1	yes	no		DCMT D	70	000

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : BS Description: STANDARD SHORT TRACK Custom: No
 Assign Date: 09/10/07 Order Date : 09/10/07
 Start Date : 09/10/07 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Plaintiff(s) shall designate experts by		10/25/07	10/01/10	CLOSED
Defendant(s) shall designate experts by		12/09/07	10/01/10	CLOSED
Any additional parties must be joined by		12/11/07	10/01/10	CLOSED
All discovery must be completed by		01/10/08	10/01/10	CLOSED
Any Motion for Summary Judgment must be		02/09/08	10/01/10	CLOSED
Alternate dispute resolution process com		02/09/08	10/01/10	CLOSED
Pretrial Conference Date		03/10/08	10/01/10	CLOSED
Any Motions in Limine shall be filed by		03/25/08	10/01/10	CLOSED
TRIAL DATE is		04/10/08	10/01/10	CLOSED

PUBLIC NOTE TITLES

- 1) 9/12/2007 attachment to plaintiff's reply
- 2) 10/18/07 #29 SENT TO J. CANNON. FILE WITH J. NANCE
- 3) 04/23/10
- 4) 05/03/10
- 5) 7/14/10 Pleading 61 sent to J.Pierson
- 6) 7/20/10 Pleading 66 sent to J.Pierson
- 7) clerk's notes
- 8) 11/06/13 #98/3 updated on red card
- 9) 12/4/13
- 10) one box-located storage rm#433 /in aisle on floor
- 11) 12/17/13

QUINTON RICHMOND, et al.,
 Plaintiffs,
 v.
 THE HON. BEN C. CLYBURN, et al.,
 Defendants.

CIVIL
 OCT 11 2014
 Office
 General

* IN THE
 * CIRCUIT COURT
 * FOR
 * BALTIMORE CITY
 * Case No. 24-C-06-009911 CN

* * * * *

DECLARATORY JUDGMENT

Upon consideration of the decision by the Court of Appeals of Maryland issued on September 26, 2013 affirming this Court's prior judgment declaring that Defendants' failure to provide counsel for Plaintiffs at initial bail hearings violates Plaintiffs' right to due process under Article 24 of the Maryland Declaration of Rights, and pursuant to that Order, it is this 23rd day of OCTOBER, 2013, by the Circuit Court for Baltimore City, hereby

ORDERED, DECREED AND ADJUDGED, that Plaintiffs are indigent individuals who were arrested and detained at the Baltimore City Central Booking facility. And,

ORDERED, DECREED AND ADJUDGED, that Plaintiffs, individually, were brought before a Commissioner for an initial bail hearing while being held at the Central Booking facility. And,

ORDERED, DECREED AND ADJUDGED, that Plaintiffs, individually, requested to be represented by appointed counsel at the initial bail hearing. And,

ORDERED, DECREED AND ADJUDGED, that in the case of each Plaintiff, the Commissioner conducted the initial bail hearing for the purpose of determining Plaintiffs' eligibility for pretrial release without an appointed counsel present. And,

ORDERED, DECREED AND ADJUDGED, that the duty of the Office of the Public Defender, as mandated by the Public Defender Act, is to provide legal representation to indigent individuals. And,

ORDERED, DECREED AND ADJUDGED, that criminal suspects are brought before a Commissioner for an initial appearance and an initial hearing pursuant to Md. Rule 4-213. And,

ORDERED, DECREED AND ADJUDGED, that during the initial bail hearing, defendants appear before a Commissioner; are informed of each offense charged; informed of the allowable penalties, are released on their own recognizance, have bond set, or are committed to jail. And,

ORDERED, DECREED AND ADJUDGED, that the initial bail hearing determines whether a defendant will be allowed to retain, or forced to surrender, his liberty during the pendency of his criminal case. And,

ORDERED, DECREED AND ADJUDGED, that any stage that could result in a finding that would place the defendant in jeopardy of loss of liberty or being confined, the defendant is entitled to counsel, and to proceed with the matter after representation was requested is a violation of the constitutional right to due process. And,

ORDERED, DECREED AND ADJUDGED, that Article 24 of the Maryland Declaration of Rights provides that no person may be imprisoned or otherwise deprived of his liberty without due process and application of the law of the land. And,

ORDERED, DECREED AND ADJUDGED, that Defendants violated Plaintiffs' right to due process by continuing with the bail hearing once Plaintiffs requested representation.

Alfred Nance
Judge's Signature Appears
On Original Document

JUDGE ALFRED NANCE
Circuit Court for Baltimore City

cc: Michael Schatzow, Esq.
Mitchell Y. Mirviss, Esq.
William F. Brockman, Esq.
Julia Doyle Bernhardt, Esq.
A Stephen Hut, Jr., Esq.
Ashley Bashur, Esq.

TRUE COPY
TEST


FRANK M. CONAWAY, CLERK



IN THE CIRCUIT COURT FOR BALTIMORE CITY

QUINTON RICHMOND, *et al.*, *

Plaintiffs, *

v. *

Case No. 24-C-06-00991 PCN

HONORABLE BEN C. CLYBURN, *et al.*, *

Defendants. *

* * * * *

STATUS REPORT

More than four decades ago, the Maryland Court of Appeals adopted rules that created the State’s current pretrial procedures for determining conditions of release for arrestees. On September 25, the Court of Appeals declared that those procedures are constitutionally inadequate, because the rules do not contemplate having counsel present at an arrestee’s initial appearance before a commissioner of the District Court. The Court of Appeals has not yet instituted revised rules to remedy the defects in the existing rules; instead, the Court acted last week to adopt provisional rules that will not become effective until a date to be specified in a further order by the Court of Appeals. On the same day, the Court of Appeals issued an order denying the State of Maryland’s motion to stay the Court’s judgment in this case. The order explained that the concerns raised by the State in its motion should be presented to this Court instead, “if, and when, any party files in the Circuit Court an application” for further relief based on this Court’s declaratory judgment. The plaintiffs, however, have stated that they do not believe the form of further relief prescribed by the Court of Appeals should be necessary.

In light of these recent developments, the defendant officials of the District Court submit this report to apprise the Court of the current status of issues related to implementation of the judgment entered by this Court. The declaratory judgment entered by this Court on November 7, 2013 (in the form requested by the plaintiffs on October 22), together with the 2010 and 2011 orders that the Court of Appeals affirmed in its recent decision, comprise a final judgment that disposes of all claims against all parties in this action. The declaratory judgment (attached as Exhibit 1) describes the operation of the current rules governing presentment of arrestees for their initial appearance before a District Court commissioner, and declares that the defendants violate an arrestee's due process rights under Article 24 of the Declaration of Rights by "continuing with the bail hearing once [an arrestee has] requested representation." The judgment does not, however, prescribe the procedure that should be followed if and when an arrestee invokes his or her right to counsel during an initial appearance before a commissioner.

The Court of Appeals has adopted procedures to address this situation, but, as noted above, those procedures have not yet been instituted. The Court of Appeals met on an emergency basis on November 4 to approve provisional rules amendments, intended to function as a stopgap measure, by making changes necessary to accommodate an arrestee's request for counsel and counsel's participation at an initial appearance before a commissioner. Among other things, the rules amendments would authorize commissioners to conduct waiver inquiries before continuing with the initial appearance, an authority that the commissioners presently lack. However, the Court of Appeals'

November 6, 2013 rules order (attached as Exhibit 2) provides that the rules amendments will not become effective until a date to be specified in a future order of the Court of Appeals. Comments by several judges during the November 4 rules conference indicated that they believe the amended rules should not be given effect until there have been further proceedings in this Court.

While the stopgap measures adopted by the Court of Appeals remain suspended, both that Court, in its legislative capacity as a rules-adopting body, and the leadership of the General Assembly have signaled that they will be exploring more thoroughgoing reforms to the State's pretrial system. On October 25, Chief Judge Barbera issued an administrative order (attached as Exhibit 3) creating a judicial task force to study and make reports on issues related to pretrial confinement and release. The order recognizes that the effectuation of the right declared by the Court of Appeals in its September 25 decision "will require substantive changes to the Maryland Rules, as well as to existing court procedures and processes." The task force is charged with examining "pretrial confinement and release issues" to "ensure that the necessary rules, procedures, processes and funds are in place. . . ."

The leadership of the General Assembly has made clear that the necessary funds are *not* in place now. In a November 4 letter addressed to the Court of Appeals (attached as Exhibit 4), the legislators explain that the Court of Appeals' decision "pose[s] such significant operational and fiscal challenges that it will require action by the Governor and General Assembly in the 2014 Session to meet them." They point out that the rules

amendments provisionally adopted by the Court of Appeals do not adequately address the fiscal problems, because those rules envision that, in the absence of representation by the Public Defender (who currently lacks funds to provide this representation and who is not obligated to provide this representation by statute, by the Court of Appeals' decision, or by this Court's judgment), the lawyers needed to provide representation at initial appearances will be appointed by judges of the District Court. Because the District Court lacks the funds needed to pay these court-appointed lawyers from its existing budget, the provisionally-adopted rules contemplate that the District Administrative Judges of the District Court will "charge the fees and expenses for such representation against the State of Maryland." (Exhibit 2 at 31.) However, as the legislators point out, costs of criminal proceedings involving indigent arrestees generally are charged to the State (represented in such proceedings by State's Attorneys) by taxing the costs to the counties, *see, e.g.*, 76 Op. Md. Att'y Gen. 341 (1991); Md. Code Ann., Cts. & Jud. Proc. §§ 2-102, 7-104, and those "local governments have not budgeted funds for this purpose this fiscal year."

In light of the challenges identified in the legislators' November 4 letter and Chief Judge Barbera's October 25 administrative order, the State of Maryland moved to stay the Court of Appeals' September 25 judgment in order to afford the political branches and the Court, in its legislative capacity, an opportunity to thoroughly consider the implications of the Court's decision for the administration of the pretrial criminal procedure system, to deliberatively evaluate reform proposals, and to craft an appropriate response. (The stay motion and the plaintiffs' opposition are attached as Exhibits 5 and

6.) In an order issued on November 6 (attached as Exhibit 7), the Court of Appeals denied the stay motion. Echoing comments made by several members of the Court at its November 4 rules conference, the order states that the concerns raised by the State in its motion should be presented to this Court instead, “if, and when, any party files in the Circuit Court an application” for further relief based on this Court’s declaratory judgment, in accordance with § 3-412 of the Courts and Judicial Proceedings Article.

Although both orders issued by the Court of Appeals on November 6 clearly anticipate that further proceedings in this Court should precede implementation of the amended rules that will govern how the defendant District Court officials conduct initial appearances, plaintiffs’ counsel stated, in a letter sent the following day (attached as Exhibit 8), that they “do not understand why this is necessary.” This claimed lack of comprehension is perplexing, because it was the plaintiffs themselves who proposed the procedure prescribed by the Court of Appeals in its November 6 order. After this Court entered a declaratory judgment in the plaintiffs’ favor in 2010, the plaintiffs requested that the Court address their claims for injunctive relief; they informed the Court that they did “not object to denial of their request for injunctive relief at this time,” but asked that the Court include a proviso indicating that, “after the appeals process is concluded,” the plaintiffs could “file a petition for supplementary relief pursuant to . . . § 3-412” of the Courts and Judicial Proceedings Article. This Court issued an order denying injunctive relief, but did not include the requested proviso, and the plaintiffs appealed, asking the Court of Appeals to affirm their right to pursue further relief under § 3-412 in the future.

The Court of Appeals granted this request. In its January 4, 2012 opinion, the Court observed that the “fiscal and practical impediments [the Public Defender] would encounter in [his] efforts to comply with the declaratory judgment” made it “more than mere conjecture that the Plaintiffs will seek future injunctive relief should the Public Defender be unable to provide representation at initial bail hearings.” Slip opinion at 36. That is precisely the situation we have today.

The November 7 letter from plaintiffs’ counsel says, cryptically, that “[s]ome have suggested” the necessity for further proceedings in this Court under § 3-412, but the suggestion they are referring to was made by the Court of Appeals, at the plaintiffs’ urging. Instead of proceeding in the fashion “suggested” by the Court of Appeals,* the plaintiffs, through their counsel, have taken it upon themselves to lecture the defendant officials of the District Court about penalties for violating their oaths as judicial officers. (Exhibit 8 at 2.) The plaintiffs apparently believe that the District Court defendants betray these oaths and also violate the Code of Judicial Conduct by continuing to conduct initial appearances in accordance with the rules prescribed by the Court of Appeals,

* The procedure prescribed by the Court of Appeals is discussed in the cases cited in the Court’s November 6 order in this case. Section 3-412 allows the request for further relief to be made “either in a separate action or by application to a court [that] retains jurisdiction” after awarding declaratory relief. *Nova Research, Inc. v. Penske Truck Leasing Co.*, 405 Md. 435, 458 (2008). Once the action has been initiated, the court, “on reasonable notice,” may require “any adverse party whose rights have been adjudicated by the declaratory judgment or decree to show cause why further relief should not be granted.” Md. Code Ann., Cts. & Jud. Proc. § 3-412(c).

which the plaintiffs equate to “[r]efusing to apply the Constitution as interpreted by the Court of Appeals.” (*Id.*) This accusation is contemptible.

The District Court defendants do not provide counsel to the indigent. Rather, they are judicial officers who conduct proceedings, and they do so in accordance with their understanding of the rules adopted by the Court of Appeals, as well as the opinions and orders issued by the Court of Appeals and by this Court in this case. The District Court defendants’ role in this litigation has been to defend their conduct of initial appearances under the rules promulgated by the Court of Appeals and to defend their understanding of what the law requires of them. This Court’s November 7 declaratory judgment was entered pursuant to a mandate issued by the Court of Appeals, and its present effect must be gauged by what the Court of Appeals has said—“arguments concerning the time needed to comply with [this Court’s] declaratory judgment . . . may be made if, and when, any party files in the Circuit Court an application” under § 3-412—and by what the Court of Appeals has done—suspending the rules needed to implement the right declared in this Court’s declaratory judgment until a date to be specified in a further order by the Court of Appeals. The District Court defendants will continue to conduct initial appearances in accordance with the rules prescribed by the Court of Appeals, and they will participate respectfully in any future proceedings in this Court—“if and when” the plaintiffs initiate such proceedings, giving this Court an opportunity to tailor a remedy to the circumstances, taking into account the substantial fiscal and operational challenges

associated with adapting the State's existing pretrial procedures to accommodate the newly-declared right to counsel.

Respectfully submitted,

DOUGLAS F. GANSLER
Attorney General of Maryland



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Lewis, and the Commissioners of the
District Court for Baltimore City and for
Appellate-Intervenor State of Maryland

November 14, 2013

CERTIFICATE OF SERVICE

I certify that, on this 14th day of November 2013, a copy of the foregoing status report was served by mail on, and sent by e-mail to:

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William Brockman

Status Report Ex. 2

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Eighty-First Report to the Court recommending adoption, on an emergency basis, of new Rule 4-216.2 and amendments to Rule 4-102, 4-202, 4-212, 4-213, 4-214, 4-215, 4-216, 4-216.1, 4-217, 4-231, 4-301, 4-349, 5-101, and 15-303 of the Maryland Rules of Procedure; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, making on its own motion certain amendments to the proposed rules changes, and finding that an emergency does in fact exist with reference to the proposed rules changes, it is this 6th day of November, 2013,

ORDERED by the Court of Appeals of Maryland that new Rule 4-216.2 and amendments to Rule 4-102, 4-202, 4-212, 4-213, 4-214, 4-215, 4-216, 4-216.1, 4-217, 4-231, 4-301, 4-349, 5-101, and 15-303 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect upon further Order of the Court and apply to all actions commenced on or after the date specified in such Order and, insofar as practicable, to all actions then pending; and it is

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further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Mary Ellen Barbera
Mary Ellen Barbera

/s/ Glenn T. Harrell, Jr.
Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia
Lynne A. Battaglia

/s/ Clayton Greene, Jr.
Clayton Greene, Jr.

*
/s/ Sally D. Adkins
Sally D. Adkins

/s/ Robert N. McDonald
Robert N. McDonald

/s/ Shirley M. Watts
Shirley M. Watts

* Judge Adkins voting in favor of deferring effective date, but against adoption at this time.

Filed: November 6, 2013

/s/ Bessie M. Decker
Clerk
Court of Appeals of Maryland

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 100 - GENERAL

AMEND Rule 4-102 by adding a new section (j) pertaining to a preliminary inquiry, by adding a Committee note after section (l), and by making stylistic changes, as follows:

Rule 4-102. DEFINITIONS

The following definitions apply in this Title:

(a) Charging Document

"Charging document" means a written accusation alleging that a defendant has committed an offense. It includes a citation, an indictment, an information, and a statement of charges.

(b) Citation

"Citation" means a charging document, other than an indictment, information, or statement of charges, issued to a defendant by a peace officer.

(c) Defendant

"Defendant" means a person who has been arrested for an offense or charged with an offense in a charging document.

(d) Indictment

"Indictment" means a charging document returned by a grand jury and filed in a circuit court.

(e) Information

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"Information" means a charging document filed in a court by a State's Attorney.

(f) Judicial Officer

"Judicial Officer" means a judge or District Court commissioner.

(g) Offense

"Offense" means a violation of the criminal laws of this State or political subdivision thereof.

(h) Peace Officer

"Peace officer" means (1) a "law enforcement officer" as defined in Code, Public Safety Article, §3-101 (e), (2) a "police officer" as defined in Code, Criminal Procedure Article, §2-101 (c), and (3) any other person authorized by State or local law to issue citations.

(i) Petty Offense

"Petty offense" means an offense for which the penalty may not exceed imprisonment for a period of three months or a fine of five hundred dollars.

(j) Preliminary Inquiry

"Preliminary inquiry" means a pretrial proceeding conducted by a judicial officer when a defendant, who has been served with a citation or summons, appears as directed before the judicial officer for advice of rights in accordance with Rules 4-213 and 4-215.

~~(j)~~ (k) Statement of Charges

"Statement of charges" means a charging document, other

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than a citation, filed in District Court by a peace officer or by a judicial officer.

~~(k)~~ (l) State's Attorney

"State's Attorney" means a person authorized to prosecute an offense.

Committee note: The definition of "State's Attorney" in Rule 4-102 (l) includes the elected or appointed State's Attorney for a county, the State Prosecutor, the Attorney General when conducting a criminal investigation or prosecution pursuant to Article V, §3 of the Maryland Constitution or other law, and assistants in those offices authorized to conduct a criminal prosecution. See State v. Romulus, 315 Md. 526 (1989).

~~(i)~~ (m) Verdict

"Verdict" means the finding of the jury or the decision of the court pertaining to the merits of the offense charged.

~~(m)~~ (n) Warrant

"Warrant" means a written order by a judicial officer commanding a peace officer to arrest the person named in it or to search for and seize property as described in it.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 702 a and M.D.R. 702 a.

Section (b) is derived from former M.D.R. 702 c.

Section (c) is derived from former Rule 702 b and M.D.R. 702 d.

Section (d) is derived from former Rule 702 c.

Section (e) is derived from former Rule 702 d and M.D.R. 702 e.

Section (f) is derived from former M.D.R. 702 f.

Section (g) is derived from former Rule 702 e and M.D.R. 702 g.

Section (h) is new.

Section (i) is derived from former M.D.R. 702 h.

Section (j) is new.

Section ~~(j)~~ (k) is derived from former M.D.R. 702 i.

Section ~~(k)~~ (l) is derived from former Rule 702 f and M.D.R. 702 j.

Section ~~(i)~~ (m) is derived from former Rule 702 g and M.D.R. 702 l.

Section ~~(m)~~ (n) is derived from former Rule 702 h and M.D.R. 702 m.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-202 by adding to the form in section (a) the phrase "and remain in custody" and language pertaining to a preliminary inquiry, by requiring the form of notice in a charging document set forth in section (a) to include a notification regarding representation of eligible defendants by the Office of the Public Defender or a court-appointed attorney for purposes of the initial appearance and subsequent review hearing; by changing subsection (b)(1)(A) to refer to a "peace officer"; by adding a cross reference after subsection (b)(1)(A)(i); by specifying who must sign each type of charging document; by adding subsection (b)(2) pertaining to the method of signing a charging document; by adding subsection (c)(1) pertaining to certain specific requirements of citations; by modifying subsection (c)(1)(B) to delete language pertaining to the defendant's signed promise to appear and clarifying the defendant's duty to appear when required; by adding subsection (c)(2) pertaining to a statement of charges; by adding subsection (c)(4) pertaining to a summons in District Court; and by making stylistic changes, as follows:

Rule 4-202. CHARGING DOCUMENT - CONTENT

(a) General Requirements

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A charging document shall contain the name of the defendant or any name or description by which the defendant can be identified with reasonable certainty, except that the defendant need not be named or described in a citation for a parking violation. It shall contain a concise and definite statement of the essential facts of the offense with which the defendant is charged and, with reasonable particularity, the time and place the offense occurred. An allegation made in one count may be incorporated by reference in another count. The statute or other authority for each count shall be cited at the end of the count, but error in or omission of the citation of authority is not grounds for dismissal of the charging document or for reversal of a conviction.

A charging document also shall contain a notice to the defendant in the following form:

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer

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has entered an appearance to represent you.

~~3.~~ 4. You have the right to have a lawyer.

~~4.~~ 5. A lawyer can be helpful to you by:

(A) explaining the charges in this paper;

(B) telling you the possible penalties;

(C) helping you at trial;

(D) helping you protect your constitutional rights; and

(E) helping you to get a fair penalty if convicted.

~~5.~~ 6. Even if you plan to plead guilty, a lawyer can be helpful.

~~6.~~ 7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.1 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.

~~7.~~ 8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.

~~8.~~ 9. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

(b) Signature on Charging Documents

(1) Requirement - Who Must Sign

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(A) Before a citation is issued, ~~A citation it~~ shall be signed by ~~a person authorized by law to do so before it is issued~~ the peace officer who issues it.

Cross reference: See Rule 4-102 (h) for definition of "peace officer."

(B) A Statement of Charges shall be signed by ~~a~~ the peace officer or ~~by a~~ judicial officer who issues it.

(C) An indictment ~~or information~~ shall be signed by the foreperson or acting foreperson of the grand jury and also may be signed by ~~a~~ the State's Attorney of ~~a~~ county or ~~by any other~~ person authorized by law to do so.

(D) A criminal information shall be signed by a State's Attorney.

(2) Method of Signing

(A) A charging document filed in paper form shall contain either the handwritten signature of the individual who signed the document or a facsimile signature of that individual affixed in a manner that assures the genuineness of the signature.

(B) Subject to the Rules in Title 20, a charging document filed electronically shall contain a facsimile or digital signature of the individual purporting to be the signer, which shall be affixed in a manner that assures the genuineness of the signature.

(C) If an indictment or criminal information is not signed personally by the elected or appointed State's Attorney for the county but is properly signed by another individual authorized to

Status Report Ex. 2

sign the document, the typed name of the elected or appointed State's Attorney may also appear on the document.

(3) Waiver of Objection

A plea to the merits waives any objection that the charging document is not signed.

(c) Specific Requirements

(1) Citation

(A) A citation shall be (i) under oath of the peace officer who signs it, or (ii) accompanied by a Statement of Probable Cause signed under oath by the same or another peace officer.

(B) A citation shall contain a command to the defendant to appear in District Court when notified, and shall contain the signed promise of the defendant to appear when required, except in a citation for a parking violation required. Failure of the defendant to sign the promise does not invalidate the citation.

(2) Statement of Charges

A Statement of Charges shall include or be accompanied by (A) a Statement of Probable Cause signed under oath, or (B) an Application for Statement of Charges signed under oath, which is sufficient to establish probable cause.

~~(2)~~ (3) Indictment

An indictment shall conclude with the words "against the peace, government, and dignity of the State."

(4) Summons in District Court

A District Court summons shall contain a command to the defendant to appear in District Court as directed.

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Cross reference: See Section 13 of Article IV of the Constitution of Maryland and *State v. Dycer*, 85 Md. 246, 36 A. 763 (1897).

(d) Matters Not Required

A charging document need not negate an exception, excuse, or proviso contained in a statute or other authority creating or defining the offense charged. It is not necessary to use the word "feloniously" or "unlawfully" to charge a felony or misdemeanor in a charging document. In describing money in a charging document, it is sufficient to refer to the amount in current money, without specifying the particular notes, denominations, coins, or certificates circulating as money of which the amount is composed.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 711 a and Rule 711 a.

Section (b) is derived from former M.D.R. 711 b 2 and Rule 711 c.

Section (c) is derived from former M.D.R. 711 b 1 and Rule 711 b.

Section (d) is derived from former Rule 711 d and e and M.D.R. 711 c and d.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-212 (f) (1) to add a reference to new Rule 4-216.2, as follows:

Rule 4-212. ISSUANCE, SERVICE, AND EXECUTION OF SUMMONS OR WARRANT

. . .

(f) Procedure - When Defendant in Custody

(1) Same Offense

When a defendant is arrested without a warrant, the defendant shall be taken before a judicial officer of the District Court without unnecessary delay and in no event later than 24 hours after arrest. When a charging document is filed in the District Court for the offense for which the defendant is already in custody a warrant or summons need not issue. A copy of the charging document shall be served on the defendant promptly after it is filed, and a return shall be made as for a warrant. When a charging document is filed in the circuit court for an offense for which the defendant is already in custody, a warrant issued pursuant to subsection (d) (2) of this Rule may be lodged as a detainer for the continued detention of the defendant under the jurisdiction of the court in which the charging document is filed. Unless otherwise ordered pursuant to Rule 4-216, ~~or 4-216.1, or 4-216.2,~~ the defendant remains subject to

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conditions of pretrial release imposed by the District Court.

• • •

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-213 to add the language "or citation" to subsection (b) (1), to add a new subsection (b) (2) pertaining to preliminary inquiries, to revise a cross reference following subsection (a) (2), to delete a cross reference to Rule 4-231 (d), and to make stylistic changes, as follows:

Rule 4-213. INITIAL APPEARANCE OF DEFENDANT

(a) In District Court Following Arrest

When a defendant appears before a judicial officer of the District Court pursuant to an arrest, the judicial officer shall proceed as follows:

(1) Advice of Charges

The judicial officer shall inform the defendant of each offense with which the defendant is charged and of the allowable penalties, including mandatory penalties, if any, and shall provide the defendant with a copy of the charging document if the defendant does not already have one and one is then available. If one is not then available, the defendant shall be furnished with a copy as soon as possible.

(2) Advice of Right to Counsel

The judicial officer shall require the defendant to read the notice to defendant required to be printed on charging

Status Report Ex. 2

documents in accordance with Rule 4-202 (a), or shall read the notice to a defendant who is unable for any reason to do so. A copy of the notice shall be furnished to a defendant who has not received a copy of the charging document. The judicial officer shall advise the defendant that if the defendant appears for trial without counsel, the court could determine that the defendant waived counsel and proceed to trial with the defendant unrepresented by counsel.

Cross reference: See Rules 4-216 (e) with respect to ~~counsel~~ the right to an attorney at an initial appearance before a ~~judge~~ judicial officer and 4-216.1 ~~(a)~~ (b) with respect to ~~counsel~~ the right to an attorney at a hearing to review a pretrial release decision of a commissioner.

(3) Advice of Preliminary Hearing

When a defendant has been charged with a felony that is not within the jurisdiction of the District Court and has not been indicted, the judicial officer shall advise the defendant of the right to have a preliminary hearing by a request made then or within ten days thereafter and that failure to make a timely request will result in the waiver of a preliminary hearing. If the defendant then requests a preliminary hearing, the judicial officer may either set its date and time or notify the defendant that the clerk will do so.

(4) Pretrial Release

The judicial officer shall comply with Rules 4-216 and 4-216.1 governing pretrial release.

(5) Certification by Judicial Officer

The judicial officer shall certify compliance with this

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section in writing.

(6) Transfer of Papers by Clerk

As soon as practicable after the initial appearance by the defendant, the judicial officer shall file all papers with the clerk of the District Court or shall direct that they be forwarded to the clerk of the circuit court if the charging document is filed there.

Cross reference: Code, Courts Article, §10-912. ~~See Rule 4-231 (d) concerning the appearance of a defendant by video conferencing.~~

(b) In District Court ~~Following Summons~~ Following Summons or Citation

(1) Generally

When a defendant appears before the District Court pursuant to a summons or citation, the court shall proceed in accordance with Rule 4-301.

(2) Preliminary Inquiry

When a defendant has (A) been charged by a citation or served with a summons and charging document for an offense that carries a penalty of incarceration and (B) has not previously been advised by a judicial officer of the defendant's rights, the defendant may be brought before a judicial officer for a preliminary inquiry advisement if no attorney has entered an appearance on behalf of the defendant. The judicial officer shall inform the defendant of each offense with which the defendant is charged and advise the defendant of the right to counsel and the matters set forth in subsection (a) (1), (2), and

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(3) of this Rule. The judicial officer shall certify in writing the judicial officer's compliance with this subsection.

(c) In Circuit Court Following Arrest or Summons

The initial appearance of the defendant in circuit court occurs when the defendant (1) is brought before the court by reason of execution of a warrant pursuant to Rule 4-212 (e) or (f) (2), or (2) appears in person or by written notice of counsel in response to a summons. In either case, if the defendant appears without counsel the court shall proceed in accordance with Rule 4-215. If the appearance is by reason of execution of a warrant, the court shall (1) inform the defendant of each offense with which the defendant is charged, (2) ensure that the defendant has a copy of the charging document, and (3) determine eligibility for pretrial release pursuant to Rule 4-216.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 723.

Section (b) is new.

Section (c) is derived from former Rule 723 a.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-214 to add cross references following sections (a) and (d), as follows:

Rule 4-214. DEFENSE COUNSEL

(a) Appearance

Counsel retained or appointed to represent a defendant shall enter an appearance in writing within five days after accepting employment, after appointment, or after the filing of the charging document in court, whichever occurs later. An appearance entered in the District Court will automatically be entered in the circuit court when a case is transferred to the circuit court because of a demand for jury trial. In any other circumstance, counsel who intends to continue representation in the circuit court after appearing in the District Court must re-enter an appearance in the circuit court.

Cross reference: See Rules 4-216 (e) and 4-216.1 (b) with respect to the automatic termination of the appearance of the Public Defender or court-appointed attorney upon the conclusion of an initial appearance before a judicial officer and upon the conclusion of a hearing to review a pretrial release decision of a commissioner if no general appearance under this Rule is entered.

(b) Extent of Duty of Appointed Counsel

When counsel is appointed by the Public Defender or by the court, representation extends to all stages in the proceedings,

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including but not limited to custody, interrogations, preliminary hearing, pretrial motions and hearings, trial, motions for modification or review of sentence or new trial, and appeal. The Public Defender may relieve appointed counsel and substitute new counsel for the defendant without order of court by giving notice of the substitution to the clerk of the court. Representation by the Public Defender's office may not be withdrawn until the appearance of that office has been stricken pursuant to section (d) of this Rule. The representation of appointed counsel does not extend to the filing of subsequent discretionary proceedings including petition for writ of certiorari, petition to expunge records, and petition for post conviction relief.

(c) Inquiry into Joint Representation

(1) Joint Representation

Joint representation occurs when:

(A) an offense is charged that carries a potential sentence of incarceration;

(B) two or more defendants have been charged jointly or joined for trial under Rule 4-253 (a); and

(C) the defendants are represented by the same counsel or by counsel who are associated in the practice of law.

(2) Court's Responsibilities in Cases of Joint Representation

If a joint representation occurs, the court, on the record, promptly and personally shall (A) advise each defendant of the right to effective assistance of counsel, including separate representation and (B) advise counsel to consider

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carefully any potential areas of impermissible conflict of interest arising from the joint representation. Unless there is good cause to believe that no impermissible conflict of interest is likely to arise, the court shall take appropriate measures to protect each defendant's right to counsel.

Cross reference: See Rule 1.7 of the Maryland Lawyers' Rules of Professional Conduct.

(d) Striking Appearance

A motion to withdraw the appearance of counsel shall be made in writing or in the presence of the defendant in open court. If the motion is in writing, moving counsel shall certify that a written notice of intention to withdraw appearance was sent to the defendant at least ten days before the filing of the motion. If the defendant is represented by other counsel or if other counsel enters an appearance on behalf of the defendant, and if no objection is made within ten days after the motion is filed, the clerk shall strike the appearance of moving counsel. If no other counsel has entered an appearance for the defendant, leave to withdraw may be granted only by order of court. The court may refuse leave to withdraw an appearance if it would unduly delay the trial of the action, would be prejudicial to any of the parties, or otherwise would not be in the interest of justice. If leave is granted and the defendant is not represented, a subpoena or other writ shall be issued and served on the defendant for an appearance before the court for proceedings pursuant to Rule 4-215.

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Cross reference: Code, Courts Article, §6-407 (Automatic Termination of Appearance of Attorney). See Rules 4-216 (e) and 4-216.1 (b) providing for a limited appearance by the Public Defender or court-appointed attorney in initial appearance proceedings before a judicial officer and hearings to review a pretrial release decision by a commissioner if no general appearance under this Rule is entered.

Source: This Rule is in part derived from former Rule 725 and M.D.R. 725 and in part from the 2009 version of Fed. R. Crim. P. 44.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-215 by adding a new subsection (a) (6) pertaining to a defendant charged with an offense that carries a penalty of incarceration, by adding to section (c) a reference to Rule 4-213 (b), and by revising a cross reference following section (e), as follows:

Rule 4-215. WAIVER OF COUNSEL

(a) First Appearance in Court Without Counsel

At the defendant's first appearance in court without counsel, or when the defendant appears in the District Court without counsel, demands a jury trial, and the record does not disclose prior compliance with this section by a judge, the court shall:

(1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.

(2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.

(3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.

(4) Conduct a waiver inquiry pursuant to section (b) of this

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Rule if the defendant indicates a desire to waive counsel.

(5) If trial is to be conducted on a subsequent date, advise the defendant that if the defendant appears for trial without counsel, the court could determine that the defendant waived counsel and proceed to trial with the defendant unrepresented by counsel.

(6) If the defendant is charged with an offense that carries a penalty of incarceration, determine whether the defendant had appeared before a judicial officer for an initial appearance pursuant to Rule 4-213 or a hearing pursuant to Rule 4-216 and, if so, that the record of such proceeding shows that the defendant was advised of the right to counsel.

The clerk shall note compliance with this section in the file or on the docket.

(b) Express Waiver of Counsel

If a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the court, the State's Attorney, or both, the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel. If the file or docket does not reflect compliance with section (a) of this Rule, the court shall comply with that section as part of the waiver inquiry. The court shall ensure that compliance with this section is noted in the file or on the docket. At any subsequent appearance of the defendant before the court, the

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docket or file notation of compliance shall be prima facie proof of the defendant's express waiver of counsel. After there has been an express waiver, no postponement of a scheduled trial or hearing date will be granted to obtain counsel unless the court finds it is in the interest of justice to do so.

(c) Waiver by Inaction - District Court

In the District Court, if the defendant appears on the date set for trial without counsel and indicates a desire to have counsel, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time, comply with section (a) of this Rule, if the record does not show prior compliance, and advise the defendant that if counsel does not enter an appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the trial only if (1) the defendant received a copy of the charging document containing the notice as to the right to counsel and (2) the defendant either (A) is charged with an offense that is not punishable by a fine exceeding five hundred dollars or by imprisonment, or (B) appeared before a judicial officer of the District Court pursuant to Rule 4-213 (a) or (b) or before the court pursuant to section

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(a) of this Rule and was given the required advice.

(d) Waiver by Inaction - Circuit Court

If a defendant appears in circuit court without counsel on the date set for hearing or trial, indicates a desire to have counsel, and the record shows compliance with section (a) of this Rule, either in a previous appearance in the circuit court or in an appearance in the District Court in a case in which the defendant demanded a jury trial, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time and advise the defendant that if counsel does not enter an appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the hearing or trial.

(e) Discharge of Counsel - Waiver

If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the

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defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.

Cross reference: See Rule 4-216 (e) with respect to waiver of ~~counsel~~ an attorney at an initial appearance before a judge and Rule 4-216.1 ~~(a)~~ (b) with respect to waiver of ~~counsel~~ an attorney at a hearing to review a pretrial release decision of a commissioner.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 723 b 1, 2, 3 and 7 and c 1.

Section (b) is derived from former Rule 723.

Section (c) is in part derived from former M.D.R. 726 and in part new.

Section (d) is derived from the first sentence of former M.D.R. 726 d.

Section (e) is new.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-216 to delete a reference to the death penalty; to delete current section (e) and the cross reference following section (e); to add a new section (e) outlining the duties of the Public Defender, court-appointed attorneys, and judicial officers with respect to a defendant's right to counsel; to provide that the initial appearance is separate and distinct from any other stage of a criminal action; to permit an attorney to enter a limited appearance under certain circumstances; to provide that section (e) prevails over any inconsistent provision in Rule 4-214; to add provisions concerning waiver of counsel; to allow attorneys to appear remotely under certain circumstances; to add section (h) providing for a temporary commitment order under certain circumstances; to add section (i) requiring a judicial officer to make a written record of the proceeding; and to make stylistic changes, as follows:

Rule 4-216. PRETRIAL RELEASE - AUTHORITY OF JUDICIAL OFFICER;
PROCEDURE

(a) Arrest Without Warrant

If a defendant was arrested without a warrant, the judicial officer shall determine whether there was probable cause for each charge and for the arrest and, as to each determination,

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make a written record. If there was probable cause for at least one charge and the arrest, the judicial officer shall implement the remaining sections of this Rule. If there was no probable cause for any of the charges or for the arrest, the judicial officer shall release the defendant on personal recognizance, with no other conditions of release, and the remaining sections of this Rule are inapplicable.

Cross reference: See Rule 4-213 (a) (4).

(b) Communications with Judicial Officer

Except as permitted by Rule 2.9 (a) (1) and (2) of the Maryland Code of Conduct for Judicial Appointees or Rule 2.9 (a) (1) and (2) of the Maryland Code of Judicial Conduct, all communications with a judicial officer regarding any matter required to be considered by the judicial officer under this Rule shall be (1) in writing, with a copy provided, if feasible, but at least shown or communicated by the judicial officer to each party who participates in the proceeding before the judicial officer, and made part of the record, or (2) made openly at the proceeding before the judicial officer. Each party who participates in the proceeding shall be given an opportunity to respond to the communication.

Cross reference: See also Rule 3.5 (a) of the Maryland Lawyers' Rules of Professional Conduct.

(c) Defendants Eligible for Release by Commissioner or Judge

In accordance with this Rule and Code, Criminal Procedure Article, §§5-101 and 5-201 and except as otherwise provided in

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section (d) of this Rule or by Code, Criminal Procedure Article, §§5-201 and 5-202, a defendant is entitled to be released before verdict on personal recognizance or on bail, in either case with or without conditions imposed, unless the judicial officer determines that no condition of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.

(d) Defendants Eligible for Release only by a Judge

A defendant charged with an offense for which the maximum penalty is ~~death or~~ life imprisonment or with an offense listed under Code, Criminal Procedure Article, §5-202 (a), (b), (c), (d), (e), (f) or (g) may not be released by a District Court Commissioner, but may be released before verdict or pending a new trial, if a new trial has been ordered, if a judge determines that all requirements imposed by law have been satisfied and that one or more conditions of release will reasonably ensure (1) the appearance of the defendant as required and (2) the safety of the alleged victim, another person, and the community.

~~(e) Initial Appearance Before a Judge~~

~~(1) Applicability~~

~~This section applies to an initial appearance before a judge. It does not apply to an initial appearance before a District Court commissioner.~~

~~(2) Duty of Public Defender~~

~~Unless another attorney has entered an appearance or the defendant has waived the right to counsel for purposes of an~~

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~~initial appearance before a judge in accordance with this section, the Public Defender shall provide representation to an eligible defendant at the initial appearance.~~

~~(3) Waiver of Counsel for Initial Appearance~~

~~(A) Unless an attorney has entered an appearance, the court shall advise the defendant that:~~

~~(i) the defendant has a right to counsel at this proceeding;~~

~~(ii) an attorney can be helpful in advocating that the defendant should be released on recognizance or on bail with minimal conditions and restrictions; and~~

~~(iii) if the defendant is eligible, the Public Defender will represent the defendant at this proceeding.~~

~~(B) If the defendant indicates a desire to waive counsel and the court finds that the defendant knowingly and voluntarily waives the right to counsel for purposes of the initial appearance, the court shall announce on the record that finding and proceed pursuant to this Rule.~~

~~(C) Any waiver found under this section applies only to the initial appearance.~~

~~(4) Waiver of Counsel for Future Proceedings~~

~~For proceedings after the initial appearance, waiver of counsel is governed by Rule 4-215.~~

~~Cross reference: For the requirement that the court also advise the defendant of the right to counsel generally, see Rule 4-215 (a).~~

(e) Attorney

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(1) Generally

(A) Right to Representation by Attorney

(i) A defendant has the right to be represented by an attorney at an initial appearance before a judicial officer.

(ii) Unless the defendant waives that right, if the defendant is indigent within the meaning of the Public Defender Act (Code, Criminal Procedure Article, §16-201) and no other attorney has entered an appearance for the defendant, the defendant shall be represented by the Public Defender or, at a proceeding before a District Court commissioner, by an attorney appointed for that purpose by the District Court pursuant to subsection (e)(1)(A)(iii) of this Rule if the Public Defender does not provide representation.

(iii) Unless the Public Defender has agreed to represent eligible defendants at initial appearance proceedings before a commissioner, the District Administrative Judges of the District Court shall appoint attorneys to represent such defendants at those proceedings in the various districts and charge the fees and expenses for such representation against the State of Maryland. Fees and expenses shall be governed by the schedule used by the Public Defender for panel attorneys.

(B) Entry of Appearance

The appearance of an attorney representing a defendant at an initial appearance may be entered in writing, electronically, or by telecommunication. If the entry is not in written form, the judicial officer shall note in the record of

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the proceeding the appearance and the method by which it was received.

(C) Appearance Separate and Distinct

For purposes of section (e) of this Rule, an initial appearance before a judicial officer shall be separate and distinct from any other stage of a criminal action. This stage commences with the appearance of the defendant before the judicial officer and ends when (i) the defendant is released, or (ii) the judicial officer has complied with all applicable requirements of sections (f) and (g) of this Rule.

(2) Duty of Public Defender or Appointed Attorney

(A) Provisional Representation by Public Defender

Unless the Public Defender has entered a general appearance pursuant to Rule 4-214, any appearance entered by the Public Defender at an initial appearance of the defendant shall be provisional. For purposes of this Rule, eligibility for provisional representation shall be determined by the Office of the Public Defender as of the time of the proceeding.

Cross reference: See Code, Criminal Procedure Article, §16-210 (c) (4) concerning provisional representation by the Public Defender.

(B) Entry of Limited Appearance

Provisional representation by the Public Defender or representation by a court-appointed attorney shall be limited to the initial appearance before the judicial officer and shall terminate automatically upon the conclusion of that stage of the criminal action, unless representation by the Public Defender is

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extended or renewed pursuant to Rule 4-216.1.

(C) Effect of Conflict with Rule 4-214

Section (e) of this Rule prevails over any inconsistent provision in Rule 4-214.

(3) Waiver

(A) Unless an attorney has entered an appearance, the judicial officer shall advise the defendant that:

(i) the defendant has a right to an attorney at the initial appearance and for any proceeding under Rule 4-216.1;

(ii) an attorney can be helpful in advocating that the defendant should be released immediately on recognizance or on bail with minimal conditions and restrictions;

(iii) if the defendant is eligible, the Public Defender or a court-appointed attorney will represent the defendant at the initial appearance;

(iv) if the defendant is represented by a court-appointed attorney, the representation is only for the purpose of the initial appearance, but the defendant will be represented by the Public Defender in any proceeding under Rule 4-216.1;

(v) unless the Public Defender determines otherwise, the Public Defender will not further represent the defendant unless the defendant timely applies for such representation and the Public Defender determines that the defendant is an indigent individual, as defined in Code, Criminal Procedure Article, §§16-101 (d) and 16-210;

(vi) if the defendant waives representation, the waiver

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is effective only for the initial appearance and not for subsequent proceedings;

(vii) if it is impracticable for an attorney to be present in person, the attorney will be able to consult privately with the defendant and participate in the proceeding by electronic means or by telecommunication; and

(viii) if the defendant desires to be represented by a private attorney retained by the defendant and that attorney is not able to be present in person or able to participate by electronic means or telecommunication, the hearing may need to be postponed, in which event the defendant will be temporarily committed until the earliest opportunity that the defendant can be presented to the next available judicial officer.

Committee note: Rule 4-213 (a) (2) requires the judicial officer to advise the defendant of the right to an attorney generally. In providing that advice, the judicial officer should explain that it pertains to the right to an attorney for all proceedings after the initial appearance under this Rule and any review hearing under Rule 4-216.1.

(B) If, after receiving this advice, the defendant indicates a desire to waive the right to an attorney at the initial appearance and the judicial officer finds that the waiver is knowing and voluntary, the judicial officer shall announce and record that finding and proceed pursuant to sections (f) and (g) of this Rule.

(C) Any waiver found under this Rule is applicable only to the initial appearance under this Rule.

(4) Electronic or Telecommunication Appearance

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(A) By State's Attorney

The State's Attorney may participate in the proceeding, but is not required to do so. When the physical presence of the State's Attorney is impracticable, the State's Attorney may participate in the proceeding electronically or by telecommunication if the equipment at the judicial officer's location and the State's Attorney's location provides adequate opportunity for the State's Attorney to participate meaningfully in the proceeding.

(B) By Defense Attorney

When the physical presence of a defense attorney is impracticable, the attorney may consult with the defendant and participate in the proceeding electronically or by telecommunication if the equipment at the judicial officer's location and the defense attorney's location provides adequate opportunity for the attorney to consult privately with the defendant and participate meaningfully in the proceeding.

(f) Duties of Judicial Officer

(1) Consideration of Factors

In determining whether a defendant should be released and the conditions of release, the judicial officer shall take into account the following information, to the extent available:

(A) the nature and circumstances of the offense charged, the nature of the evidence against the defendant, and the potential sentence upon conviction;

(B) the defendant's prior record of appearance at court

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proceedings or flight to avoid prosecution or failure to appear at court proceedings;

(C) the defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community, and length of residence in this State;

(D) any recommendation of an agency that conducts pretrial release investigations;

(E) any recommendation of the State's Attorney;

(F) any information presented by the defendant or defendant's ~~counsel~~ attorney;

(G) the danger of the defendant to the alleged victim, another person, or the community;

(H) the danger of the defendant to himself or herself; and

(I) any other factor bearing on the risk of a wilful failure to appear and the safety of the alleged victim, another person, or the community, including all prior convictions and any prior adjudications of delinquency that occurred within three years of the date the defendant is charged as an adult.

(2) Statement of Reasons - When Required

Upon determining to release a defendant to whom section (c) of this Rule applies or to refuse to release a defendant to whom section (b) of this Rule applies, the judicial officer shall state the reasons in writing or on the record.

(3) Imposition of Conditions of Release

If the judicial officer determines that the defendant

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should be released other than on personal recognizance without any additional conditions imposed, the judicial officer shall impose on the defendant the least onerous condition or combination of conditions of release set out in section (g) of this Rule that will reasonably:

(A) ensure the appearance of the defendant as required,

(B) protect the safety of the alleged victim by ordering the defendant to have no contact with the alleged victim or the alleged victim's premises or place of employment or by other appropriate order, and

(C) ensure that the defendant will not pose a danger to another person or to the community.

(4) Advice of Conditions; Consequences of Violation; Amount and Terms of Bail

The judicial officer shall advise the defendant in writing or on the record of the conditions of release imposed and of the consequences of a violation of any condition. When bail is required, the judicial officer shall state in writing or on the record the amount and any terms of the bail.

(g) Conditions of Release

The conditions of release imposed by a judicial officer under this Rule may include:

(1) committing the defendant to the custody of a designated person or organization that agrees to supervise the defendant and assist in ensuring the defendant's appearance in court;

(2) placing the defendant under the supervision of a

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probation officer or other appropriate public official;

(3) subjecting the defendant to reasonable restrictions with respect to travel, association, or residence during the period of release;

(4) requiring the defendant to post a bail bond complying with Rule 4-217 in an amount and on conditions specified by the judicial officer, including any of the following:

(A) without collateral security;

(B) with collateral security of the kind specified in Rule 4-217 (e) (1) (A) equal in value to the greater of \$100.00 or 10% of the full penalty amount, and if the judicial officer sets bail at \$2500 or less, the judicial officer shall advise the defendant that the defendant may post a bail bond secured by either a corporate surety or a cash deposit of 10% of the full penalty amount;

(C) with collateral security of the kind specified in Rule 4-217 (e) (1) (A) equal in value to a percentage greater than 10% but less than the full penalty amount;

(D) with collateral security of the kind specified in Rule 4-217 (e) (1) equal in value to the full penalty amount; or

(E) with the obligation of a corporation that is an insurer or other surety in the full penalty amount;

(5) subjecting the defendant to any other condition reasonably necessary to:

(A) ensure the appearance of the defendant as required,

(B) protect the safety of the alleged victim, and

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(C) ensure that the defendant will not pose a danger to another person or to the community; and

(6) imposing upon the defendant, for good cause shown, one or more of the conditions authorized under Code, Criminal Law Article, §9-304 reasonably necessary to stop or prevent the intimidation of a victim or witness or a violation of Code, Criminal Law Article, §9-302, 9-303, or 9-305.

Cross reference: See Code, Criminal Procedure Article, §5-201 (a) (2) concerning protections for victims as a condition of release. See Code, Criminal Procedure Article, §5-201 (b), and Code, Business Occupations and Professions Article, Title 20, concerning private home detention monitoring as a condition of release.

(h) Temporary Commitment Order

If an initial appearance before a commissioner cannot proceed as scheduled, the commissioner may enter a temporary commitment order, but in that event the defendant shall be presented at the earliest opportunity to the next available judicial officer for an initial appearance. If the judicial officer is a judge, there shall be no review of the judge's order pursuant to Rule 4-216.1.

Committee note: Section (h) is intended to apply to a narrow set of compelling circumstances in which it would be inappropriate or impracticable to proceed with the initial appearance as scheduled, such as the illness, intoxication, or disability of the defendant or the inability of a private attorney selected by the defendant to appear within a reasonable time.

(i) Record

The judicial officer shall make a brief written record of the proceeding, including:

(1) whether notice of the time and place of the proceeding

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was given to the State's Attorney and the Public Defender or any other defense attorney and, if so, the time and method of notification;

(2) if a State's Attorney has entered an appearance, the name of the State's Attorney and whether the State's Attorney was physically present at the proceeding or appeared remotely;

(3) if an attorney has entered an appearance for the defendant, the name of the attorney and whether the attorney was physically present at the proceeding or appeared remotely;

(4) if the defendant waived an attorney, a confirmation that the advice required by subsection (e) (3) of this Rule was given and that the defendant's waiver was knowing and voluntary;

(5) confirmation that the judicial officer complied with each requirement specified in section (f) of this Rule and in Rule 4-213 (a);

(6) whether the defendant was ordered held without bail;

(7) whether the defendant was released on personal recognizance; and

(8) if the defendant was ordered released on conditions pursuant to section (g) of this Rule, the conditions of the release.

~~(h)~~ (j) Title 5 Not Applicable

Title 5 of these rules does not apply to proceedings conducted under this Rule.

Source: This Rule is derived in part from former Rule 721, M.D.R. 723 b 4, and is in part new.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-216.1 to change the title of the Rule; to delete sections (b), (c), (d), and (e); and to revise taglines, reletter the Rule, and make additional stylistic changes, as follows:

Rule 4-216.1. ~~FURTHER PROCEEDINGS REGARDING PRETRIAL RELEASE~~
REVIEW OF COMMISSIONER'S PRETRIAL RELEASE ORDER

(a) ~~Review of Pretrial Release Order Entered by Commissioner~~
Generally

~~(1) Generally~~

A defendant who is denied pretrial release by a commissioner or who for any reason remains in custody after a commissioner has determined conditions of release pursuant to Rule 4-216 shall be presented immediately to the District Court if the court is then in session, or if not, at the next session of the court.

Cross reference: See Rule 4-231 (d) concerning the presence of a defendant by video conferencing.

~~(2) (b) Counsel~~ Attorney for Defendant

~~(A) (1)~~ (1) Duty of Public Defender

Unless another attorney has entered an appearance or the defendant has waived the right to ~~counsel~~ an attorney for purposes of the review hearing in accordance with this section,

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the Public Defender shall provide representation to an eligible defendant at the review hearing.

~~(B)~~ (2) Waiver

~~(i)~~ (A) Unless an attorney has entered an appearance, the court shall advise the defendant that:

~~(a)~~ (i) the defendant has a right to ~~counsel~~ an attorney at the review hearing;

~~(b)~~ (ii) an attorney can be helpful in advocating that the defendant should be released on recognizance or on bail with minimal conditions and restrictions; and

~~(c)~~ (iii) if the defendant is eligible, the Public Defender will represent the defendant at this proceeding.

Cross reference: For the requirement that the court also advise the defendant of the right to counsel generally, see Rule 4-215 (a).

~~(ii)~~ (B) If, after the giving of this advice, the defendant indicates a desire to waive ~~counsel~~ an attorney for purposes of the review hearing and the court finds that the ~~defendant knowingly and voluntarily waives the right to counsel for purposes of the review hearing~~ waiver is knowing and voluntary, the court shall announce on the record that finding and proceed pursuant to this Rule.

~~(iii)~~ (C) Any waiver found under this Rule is applicable only to the proceeding under this Rule.

~~(C)~~ (3) Waiver of ~~Counsel~~ Attorney for Future Proceedings

For proceedings after the review hearing, waiver of ~~counsel~~ an attorney is governed by Rule 4-215.

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~~(3)~~ (c) Determination by Court

The District Court shall review the commissioner's pretrial release determination and take appropriate action in accordance with Rule 4-216 (f) and (g). If the court determines that the defendant will continue to be held in custody after the review, the court shall set forth in writing on the record the reasons for the continued detention.

~~(4)~~ (d) Juvenile Defendant

If the defendant is a child whose case is eligible for transfer to the juvenile court pursuant to Code, Criminal Procedure Article, §4-202 (b), the District Court, regardless of whether it has jurisdiction over the offense charged, may order that a study be made of the child, the child's family, or other appropriate matters. The court also may order that the child be held in a secure juvenile facility.

~~(b)~~ ~~Continuance of Previous Conditions~~

~~When conditions of pretrial release have been previously imposed in the District Court, the conditions continue in the circuit court unless amended or revoked pursuant to section (c) of this Rule.~~

~~(c)~~ ~~Amendment of Pretrial Release Order~~

~~After a charging document has been filed, the court, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of pretrial release or amend it to impose additional or different conditions of release. If its decision results in the detention of the~~

Status Report Ex. 2

~~defendant, the court shall state the reasons for its action in writing or on the record. A judge may alter conditions set by a commissioner or another judge.~~

~~(d) Supervision of Detention Pending Trial~~

~~In order to eliminate unnecessary detention, the court shall exercise supervision over the detention of defendants pending trial. It shall require from the sheriff, warden, or other custodial officer a weekly report listing each defendant within its jurisdiction who has been held in custody in excess of seven days pending preliminary hearing, trial, sentencing, or appeal. The report shall give the reason for the detention of each defendant.~~

~~(e) Violation of Condition of Release~~

~~A court may issue a bench warrant for the arrest of a defendant charged with a criminal offense who is alleged to have violated a condition of pretrial release. After the defendant is presented before a court, the court may (1) revoke the defendant's pretrial release or (2) continue the defendant's pretrial release with or without conditions.~~

~~Cross reference: See Rule 1-361, Execution of Warrants and Body Attachments. See also, Rule 4-347, Proceedings for Revocation of Probation, which preserves the authority of a judge issuing a warrant to set the conditions of release on an alleged violation of probation.~~

~~(f) (e) Title 5 Not Applicable~~

~~Title 5 of these Rules does not apply to proceedings conducted under this Rule.~~

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Source: This Rule ~~is new but~~ is derived, in part, from former ~~sections (f), (g), (h), (i), (j), and (k) of Rule 4-216~~ section (a) of Rule 4-216.1 (2012).

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MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

ADD new Rule 4-216.2, as follows:

Rule 4-216.2. FURTHER PROCEEDINGS REGARDING PRETRIAL RELEASE

(a) Continuance of Previous Conditions

When conditions of pretrial release have been previously imposed in the District Court, the conditions continue in the circuit court unless amended or revoked pursuant to section (b) of this Rule.

(b) Amendment of Pretrial Release Order

After a charging document has been filed, the court, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of pretrial release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court shall state the reasons for its action in writing or on the record. A judge may alter conditions set by a commissioner or another judge.

(c) Supervision of Detention Pending Trial

In order to eliminate unnecessary detention, the court shall exercise supervision over the detention of defendants pending trial. It shall require from the sheriff, warden, or other custodial officer a weekly report listing each defendant

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Cross reference: See Rule 1-361, Execution of Warrants and Body Attachments. See also, Rule 4-347, Proceedings for Revocation of Probation, which preserves the authority of a judge issuing a warrant to set the conditions of release on an alleged violation of probation.

(e) Title 5 Not Applicable

Title 5 of these rules does not apply to proceedings conducted under this Rule.

Source: This Rule is new but is derived, in part, from former sections (f), (g), (h), (i), (j), and (k) of Rule 4-216 sections (b), (c), (d), (e), and (f) of Rule 4-216.1 (2012).

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-217 by deleting a certain reference to Rule 4-216.1 and adding references to new Rule 4-216.2, as follows:

Rule 4-217. BAIL BONDS

(a) Applicability of Rule

This Rule applies to all bail bonds taken pursuant to Rule 4-216, ~~or 4-216.1,~~ or 4-216.2, and to bonds taken pursuant to Rules 4-267, 4-348, and 4-349 to the extent consistent with those rules.

. . .

(j) Discharge of Bond - Refund of Collateral Security

(1) Discharge

The bail bond shall be discharged when:

(A) all charges to which the bail bond applies have been statted, unless the bond has been forfeited and 10 years have elapsed since the bond or other security was posted; or

(B) all charges to which the bail bond applies have been disposed of by a nolle prosequi, dismissal, acquittal, or probation before judgment; or

(C) the defendant has been sentenced in the District Court and no timely appeal has been taken, or in the circuit court exercising original jurisdiction, or on appeal or transfer from

Status Report Ex. 2

the District Court; or

(D) the court has revoked the bail bond pursuant to Rule ~~4-216.1~~ 4-216.2 or the defendant has been convicted and denied bail pending sentencing; or

(E) the defendant has been surrendered by the surety pursuant to section (h) of this Rule.

Cross reference: See Code, Criminal Procedure Article, §5-208 (d) relating to discharge of a bail bond when the charges are stetted. See also Rule 4-349 pursuant to which the District Court judge may deny release on bond pending appeal or may impose different or greater conditions for release after conviction than were imposed for the pretrial release of the defendant pursuant to Rule 4-216, ~~or~~ 4-216.1, or 4-216.2.

. . .

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-231 to conform internal references to amendments to Rule 4-216.1, to deletion section (d), and to delete a sentence from the Committee note at the end of the Rule, as follows:

Rule 4-231. PRESENCE OF DEFENDANT

(a) When Presence Required

A defendant shall be present at all times when required by the court. A corporation may be present by counsel.

(b) Right to be Present - Exceptions

A defendant is entitled to be physically present in person at a preliminary hearing and every stage of the trial, except (1) at a conference or argument on a question of law; (2) when a nolle prosequi or stet is entered pursuant to Rules 4-247 and 4-248.

Cross reference: Code, Criminal Procedure Article, §11-303.

(c) Waiver of Right to be Present

The right to be present under section (b) of this Rule is waived by a defendant:

(1) who is voluntarily absent after the proceeding has commenced, whether or not informed by the court of the right to remain; or

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(2) who engages in conduct that justifies exclusion from the courtroom; or

(3) who, personally or through counsel, agrees to or acquiesces in being absent.

(d) Video Conferencing in District Court

In the District Court, if the Chief Judge of the District Court has approved the use of video conferencing in the county, a judicial officer may conduct an initial appearance under Rule 4-213 (a) or a review of the commissioner's pretrial release determination under Rule 4-216.1 ~~(a)~~ with the defendant and the judicial officer at different locations, provided that:

(1) the defendant's right to counsel under Rules 4-216 (e) and 4-216.1 ~~(a)~~ is not infringed;

(2) the video conferencing procedure and technology are approved by the Chief Judge of the District Court for use in the county; and

(3) immediately after the proceeding, all documents that are not a part of the District Court file and that would be a part of the file if the proceeding had been conducted face-to-face shall be electronically transmitted or hand-delivered to the District Court; ~~and.~~

~~(4) if the initial appearance under Rule 4-213 is conducted by video conferencing, the review under Rule 4-216.1 (a) shall not be conducted by video conferencing.~~

Committee note: Except when specifically covered by this Rule, the matter of presence of the defendant during any stage of the proceedings is left to case law and the Rule is not intended to

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exhaust all situations. ~~By the addition of section (d) to the Rule, the Committee intends no inference concerning the use of video conferencing in other contexts.~~

Source: Sections (a), (b), and (c) of this Rule are derived from former Rule 724 and M.D.R. 724. Section (d) is new.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-301 to add a new subsection (a)(5) pertaining to a defendant charged with an offense that carries a penalty of incarceration, as follows:

Rule 4-301. BEGINNING OF TRIAL IN DISTRICT COURT

(a) Initial Procedures

Immediately before beginning a trial in District Court, the court shall (1) make certain the defendant has been furnished a copy of the charging document; (2) inform the defendant of each offense charged; (3) inform the defendant, when applicable, of the right to trial by jury; (4) comply with Rule 4-215, if necessary; (5) if the defendant is charged with an offense that carries a penalty of incarceration, determine whether the defendant had appeared before a judicial officer for an initial appearance pursuant to Rule 4-213 or a hearing pursuant to Rule 4-216 and, if so, that the record of such proceeding shows that the defendant was advised of the right to counsel; and ~~(5)~~ (6) thereafter, call upon the defendant to plead to each charge.

(b) Demand for Jury Trial

(1) Form and Time of Demand

A demand in the District Court for a jury trial shall be made either

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(A) in writing and, unless otherwise ordered by the court or agreed by the parties, filed no later than 15 days before the scheduled trial date, or

(B) in open court on the trial date by the defendant and the defendant's counsel, if any.

(2) Procedure Following Demand

Upon a demand by the defendant for jury trial that deprives the District Court of jurisdiction pursuant to law, the clerk may serve a circuit court summons on the defendant requiring an appearance in the circuit court at a specified date and time. The clerk shall promptly transmit the case file to the clerk of the circuit court, who shall then file the charging document and, if the defendant was not served a circuit court summons by the clerk of the District Court, notify the defendant to appear before the circuit court. The circuit court shall proceed in accordance with Rule 4-213 (c) as if the appearance were by reason of execution of a warrant. Thereafter, except for the requirements of Code, Criminal Procedure Article, §6-103 and Rule 4-271 (a), or unless the circuit court orders otherwise, pretrial procedures shall be governed by the rules in this Title applicable in the District Court.

(c) Discovery

Discovery in an action transferred to a circuit court upon a jury trial demand made in accordance with subsection (b) (1) (A) of this Rule is governed by Rule 4-263. In all other actions transferred to a circuit court upon a jury trial demand,

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discovery is governed by Rule 4-262.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 751.

Section (b) is new.

Section (c) is new.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-349 (c) to add a reference to new Rule 4-216.2,
as follows:

Rule 4-349. RELEASE AFTER CONVICTION

. . .

(c) Conditions of Release

The court may impose different or greater conditions for release under this Rule than had been imposed upon the defendant before trial pursuant to Rule 4-216, ~~or~~ Rule 4-216.1, 4-216.2. When the defendant is released pending sentencing, the condition of any bond required by the court shall be that the defendant appear for further proceedings as directed and surrender to serve any sentence imposed. When the defendant is released pending any appellate review, the condition of any bond required by the court shall be that the defendant prosecute the appellate review according to law and, upon termination of the appeal, surrender to serve any sentence required to be served or appear for further proceedings as directed. The bond shall continue until discharged by order of the court or until surrender of the defendant, whichever is earlier.

. . .

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MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 5-101 (b) to add a reference to new Rule 4-216.2,
as follows:

Rule 5-101. SCOPE

. . .

(b) Rules Inapplicable

The rules in this Title other than those relating to the
competency of witnesses do not apply to the following
proceedings:

- (1) Proceedings before grand juries;
- (2) Proceedings for extradition or rendition;
- (3) Direct contempt proceedings in which the court may act
summarily;
- (4) Small claim actions under Rule 3-701 and appeals under
Rule 7-112 (d) (2);
- (5) Issuance of a summons or warrant under Rule 4-212;
- (6) Pretrial release under Rule 4-216, ~~or 4-216.1, or 4-216.2~~
or release after conviction under Rule 4-349;
- (7) Preliminary hearings under Rule 4-221;
- (8) Post-sentencing procedures under Rule 4-340;
- (9) Sentencing in non-capital cases under Rule 4-342;
- (10) Issuance of a search warrant under Rule 4-601;

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(11) Detention and shelter care hearings under Rule 11-112;
and

(12) Any other proceeding in which, prior to the adoption of the rules in this Title, the court was traditionally not bound by the common-law rules of evidence.

Committee note: The Rules in this Chapter are not intended to limit the Court of Appeals in defining the application of the rules of evidence in sentencing proceedings in capital cases or to override specific statutory provisions regarding the admissibility of evidence in those proceedings. See, for example, *Tichnell v. State*, 290 Md. 43 (1981); Code, Correctional Services Article, §6-112 (c).

. . .

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MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 300 - HABEAS CORPUS

AMEND Rule 15-303 (b) to add a reference to new Rule 4-216.2, as follows:

Rule 15-303. PROCEDURE ON PETITION

. . .

(b) Bail

(1) Pretrial

If a petition by or on behalf of an individual who is confined prior to or during trial seeks a writ of habeas corpus for the purpose of determining admission to bail or the appropriateness of any bail set, the judge to whom the petition is directed may deny the petition without a hearing if a judge has previously determined the individual's eligibility for pretrial release or the conditions for such release pursuant to Rule 4-216, ~~or 4-216.1, or 4-216.2~~ and the petition raises no grounds sufficient to warrant issuance of the writ other than grounds that were raised when the earlier pretrial release determination was made.

Cross reference: Rule 4-213 (c).

(2) After Conviction

(A) Except as otherwise provided in subsection (2) (B) of this section, if a petition by or on behalf of an individual

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confined as a result of a conviction pending sentencing or exhaustion of appellate review seeks a writ of habeas corpus for the purpose of determining admission to bail or the appropriateness of any bail set, the judge to whom the petition is directed may deny the writ and order that the petition be treated as a motion for release or for amendment of an order of release pursuant to Rule 4-349. Upon entry of the order, the judge shall transmit the petition, a certified copy of the order, and any other pertinent papers to the trial judge who presided at the proceeding as a result of which the individual was confined. Upon receiving of the transmittal, the trial judge shall proceed in accordance with Rule 4-349.

(B) If a petition directed to a circuit court judge is filed by or on behalf of an individual confined as a result of a conviction in the District Court that has been appealed to a circuit court, the circuit court judge shall act on the petition and may not transmit or refer the petition to a District Court judge.

. . . .

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ESTABLISHING TASK FORCE ON PRETRIAL
CONFINEMENT AND RELEASE

WHEREAS, On September 25, 2013, the Maryland Court of Appeals issued its decision in *DeWolfe v. Richmond* (“*Richmond*”), which determined that criminal defendants have the constitutional right to representation by counsel at initial appearances before District Court Commissioners; and

WHEREAS, The effectuation of this constitutional right will require substantive changes to the Maryland Rules, as well as to existing court procedures and processes; and

WHEREAS, The scope and significance of the Court’s decision in *Richmond*, coupled with the gravity of ancillary concerns, necessitate review of pretrial confinement and release issues; and

WHEREAS, It is appropriate that Judiciary representatives form a task force to study the issues and review the laws, rules, procedures and processes pertaining to pretrial confinement and release.

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 24th day of October, 2013, effective immediately:

1. Creation. There is a Task Force on Pretrial Confinement and Release.

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ADMINISTRATIVE ORDER ESTABLISHING TASK FORCE ON PRETRIAL CONFINEMENT AND RELEASE

Page 2 of 4

2. Members and Advisors.

a. Task Force. The Task Force shall consist of the following members, appointed by the Chief Judge of the Court of Appeals:

- (i) A District Court judge, who shall serve as Chair of the Task Force;
- (ii) The Chief Judge of the District Court;
- (iii) A third District Court judge;
- (iv) The Chair of the Conference of Circuit Judges;
- (v) The Chair of the Committee on Criminal Law and Procedure or her designee from among the members on the Circuit Court;
- (vi) The Chief Clerk of the District Court;
- (vii) The Coordinator of Commissioner Activities;
- (viii) The State Court Administrator or her designee;
- (ix) The Director of the Judiciary's Office of Government Relations;
- (x) The Executive Director of JIS.
- (xi) The Chair of the Standing Committee on Rules of Practice and Procedure or his designee.

b. Stakeholders. The Task Force may invite other criminal justice stakeholders within the State to participate in the Task Force's work, through invitations to public forums, or as otherwise deemed appropriate.

c. Compensation. Task Force members are not entitled to compensation but, to the extent that budgeted funds are available, may be reimbursed for expenses in connection with travel related to the work of the Task Force.

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ADMINISTRATIVE ORDER ESTABLISHING TASK FORCE ON PRETRIAL CONFINEMENT AND RELEASE

Page 3 of 4

3. Meetings.

a. Scheduling. The Task Force shall meet at least twice, at the call of the Chair, prior to issuance of its Interim Report and thereafter, as necessary, prior to issuance of its Final Report.

b. Quorum. A majority of the authorized membership of the Task Force shall constitute a quorum for the transaction of business.

4. Functions.

a. Purpose. The purpose of the Task Force is to study pretrial confinement and release issues, from the perspective of the Judiciary, to ensure that the necessary rules, procedures, processes and funds are in place to facilitate the implementation of *Richmond*.

b. Duties. To carry out the purpose of the Task Force, it shall:

(i) review all laws, rules, procedures and processes relevant to pretrial confinement and release;

(ii) consult, as appropriate, with criminal justice stakeholders within the State, on pretrial confinement and release issues;

(iii) make recommendations as to changes to rules, operational procedures and processes necessary to implement *Richmond*, as well as an estimation of the funding necessary for implementation.

(iv) perform other tasks as may be delegated by the Chief Judge of the Court of Appeals.

5. Staff. The Task Force will be staffed by the Office of the Coordinator of Commissioner Activities.

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ADMINISTRATIVE ORDER ESTABLISHING TASK FORCE ON PRETRIAL CONFINEMENT AND
RELEASE

Page 4 of 4

6. Reports. The Task Force shall submit to the Chief Judge of the Court of Appeals an Interim Report on December 31, 2013, and a Final Report on April 30, 2014.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge of the Court of Appeals

Filed: October 24, 2013

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland

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THOMAS V. MIKE MILLER, JR.
PRESIDENT OF THE SENATE

MICHAEL E. BUSCH
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY
STATE HOUSE
ANNAPOLIS, MARYLAND 21401-1991

November 4, 2013

The Honorable Mary Ellen Barbera, Chief Judge
and

The Honorable Glenn T. Harrell, Jr.

The Honorable Lynne A. Battaglia

The Honorable Clayton Greene, Jr.

The Honorable Sally D. Adkins

The Honorable Robert N. McDonald

The Honorable Shirley M. Watts

The Court of Appeals of Maryland

Robert C. Murphy Courts of Appeal Building

361 Rowe Boulevard

Annapolis, Maryland 21401

RE: *181st Report of the Standing Committee on Rules of Practice and Procedure as to DeWolfe v. Richmond*, (No. 34, Sept. Term, 2011, filed Sept. 25, 2013)

Dear Honorable Members of the Court of Appeals:

We are writing to request that the Court, serving in its legislative rulemaking capacity, kindly delay until the end of the 2014 General Assembly Session the enactment of the proposed amendments to Rule 4-216, implementing the holding in *DeWolfe v. Richmond*, (No. 34, Sept. Term, 2011, filed Sept. 25, 2013). We do not make this request lightly; however, the newly articulated rights of an indigent defendant to State-furnished counsel at an initial bail hearing before a District Court Commissioner pose such significant operational and fiscal challenges that it will require action by the Governor and General Assembly in the 2014 Session to meet them.

The fiscal impact on the State budget is estimated to be quite large. The Department of Legislative Services (DLS) has advised that funding to attempt immediate implementation would require \$22 million that has not been budgeted for in current fiscal year (2014) and approximately \$28 million in the budget to be considered in January (fiscal 2015). Because the

Status Report Ex. 4

Court of Appeals
November 4, 2013
Page 2 of 3

decision occurred outside of the General Assembly Session, no funding is budgeted for this purpose.

Although the General Assembly adjourned in April having passed a budget that we believe would permit fiscal 2015 to be essentially balanced on a cash basis, we were advised that federal sequestration and other factors have caused hundreds of millions of dollars in revenue loss. We will not even know the additional impact of the federal shutdown until December, but even without those losses, we have been advised by DLS that the cash deficit that must be addressed in January will be well over \$400 million. How to address this large deficit as well as the new costs for implementation of this decision cannot even be considered by the General Assembly until the Session in January 2014.

We also understand, based on an 1991 Opinion of the Attorney General, 76 Op. Md. Att'y Gen. 341 (1991), that until State funds are included in the budget of the Office of the Public Defender, local governments are responsible for the cost of District Court appointment of panel attorneys to represent arrestees during the initial bail hearing before a Commissioner. The local governments face additional costs for implementation, including capital expenditures and additional personnel costs for law enforcement and prosecutors. The local governments have not budgeted funds for this purpose this fiscal year.

Additionally, Chapters 503 and 504 of the Acts of 2012, which were enacted in response to the initial holding of this Court, provided for a Task Force to Study the Law and Policies Relating to the Representation of Indigent Criminal Defendants by the Office of the Public Defender. The Task Force has been meeting regularly since 2012 and appointed the following workgroups pertinent to this matter: Criminal Citations; District Court Commissioner Study; Pre-trial Release; and Public Defender Access. The Task Force is required to report to the General Assembly in advance of the 2014 Session with numerous policy and operational recommendations resulting from the two-year study. Again, those recommendations cannot be acted upon until the 2014 Session.

Further, it is our understanding that the Court established the Judicial Task Force on Pretrial Confinement and Release approximately two weeks ago to study issues related to the implementation of *DeWolfe v. Richmond*. This Judicial Task Force, chaired by the Honorable John R. Hargrove, Jr., Administrative Judge for the District Court of Maryland, Baltimore City, met for the first time last week. We hope this Judicial Task Force is also given the opportunity to consider these important issues and make recommendations before the adoption of the proposed revisions in the 181st Report of the Rules Committee,

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Court of Appeals
November 4, 2013
Page 3 of 3

Given the importance of this issue and the tremendous operational and fiscal challenges that compliance will give rise to, we respectfully ask that the Governor and the General Assembly be given the opportunity to respond appropriately to this decision in a thoughtful, responsible and deliberative manner. As mentioned above, we take this request seriously and offer our full commitment to work with the Governor, the Judiciary, and all affected stakeholders to develop the best possible solution to this matter. Thank you for your consideration of our request.

Sincerely,



Thomas V. Mike Miller, Jr.



Michael E. Busch

cc: The Honorable Martin O'Malley
The Honorable Alan Wilner
The Honorable Robert Zarnoch
The Honorable Brian Frosh
The Honorable Edward J. Kasemeyer
The Honorable Joseph F. Vallario, Jr.
The Honorable Norman Conway
Members of the Standing Committee on Rules of Practice & Procedure

IN THE COURT OF APPEALS OF MARYLAND

PAUL B. DEWOLFE, *et al.*,

*

Appellants,

*

September Term, 2011

v.

*

No. 34

QUINTON RICHMOND, *et al.*,

*

Appellees.

*

* * * * *

MOTION FOR STAY OF ENFORCEMENT OF THE JUDGMENT

The State of Maryland, through counsel, requests that the Court stay enforcement of the judgment to allow this Court, in its legislative capacity as a rules-adopting body, and the Maryland General Assembly, in its upcoming legislative session, to consider measures that would be necessary to give effect to the Court’s ruling, as well as other possible measures to address the substantial fiscal impact of the Court’s ruling.¹

The Court has declared the existence of a constitutional right to counsel, but the right attaches to the initial appearance, a feature of Maryland criminal procedure that is governed by rule and statute. The rules governing pretrial procedure (as amended by this Court last year) do not provide for, and are not designed to accommodate, a right to counsel at an initial appearance before a commissioner of the District Court. The statutes

¹ The State has also moved to recall the mandate to allow the Court to consider the State’s motion for reconsideration, which is being filed contemporaneously with this motion. Recall of the mandate is unnecessary for the Court to exercise its equitable powers to stay enforcement of the judgment, and the State submits that a stay is justified regardless of the outcome of the State’s motion for reconsideration.

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authorizing the provision of counsel to indigent criminal defendants (as amended by the General Assembly last year) likewise are not designed to accommodate a right to counsel at an initial appearance before a commissioner. This Court has announced that it will consider proposed emergency amendments to the rules on November 21; the General Assembly has expressed its intent to “continue to monitor the issues relating to representation of indigent defendants and to determine whether modification of [the Public Defender Act] is required. . . .” 2012 Laws of Maryland, ch. 504. A stay of enforcement of the Court’s September 25 ruling is appropriate to afford both legislative bodies an opportunity to thoroughly consider the implications of the Court’s decision for the administration of the pretrial criminal procedure system, to address the substantial fiscal impact of the decision, and to craft an appropriate response.

The Court’s Standing Committee on Rules of Practice and Procedure (“Rules Committee”) submitted to the Court on October 15, 2013 its 181st Report, an emergency proposal to amend Rule 4-216 and related provisions. In the letter submitting the report, the Rules Committee explains that the proposed amendments are a stopgap measure made necessary by the anticipated failure of any party to seek reconsideration or a stay.² The

² The chairman of the Rules Committee has objected to language that appeared in a footnote to the State’s October 23 motion to recall the mandate, concerning the Rules Committee’s prediction that no motion for reconsideration or a stay could be expected. Undersigned counsel wish to clarify that a member of the Attorney General’s office was present at the October 3, 2013 meeting at which Chief Judge Clyburn and the Public Defender advised that they did not intend to file such a motion, but the assistant attorney general was not asked whether the Attorney General would be filing a motion, and he would not have been able to give a definitive response to that question, which was the subject of ongoing client consultation at the time.