

# Court Reporting Manual



# Contents

1	Purpose .....	1
	Acknowledgements.....	1
2	Overview of Judicial Branch.....	2
	Supreme Court of Maryland (SCM).....	2
	Appellate Court of Maryland (ACM) .....	2
	Circuit Courts .....	3
	District Court.....	3
	Orphans' Courts .....	3
3	Definitions.....	4
4	Human Resources .....	5
	Qualifications .....	5
	Appointment.....	5
	Private Court Reporting Activities.....	5
	Supervisory/Chief Court Reporter .....	5
	Professional Conduct .....	6
	Financial Disclosure.....	6
	Ownership of Transcripts and Notes .....	6
	Sample Job Descriptions .....	7
5	Audio Recording Procedures .....	16
	Personnel: .....	16
	Procedures: .....	16
	Tagging:.....	17
	Log of Events/Special Procedures:.....	17
	Depositions: .....	18
6	Transcripts.....	19
	Preparation .....	19
	Proceedings Overview .....	19
	Transcription.....	24
	Transcript Page Rates .....	31
	Transcript Examples and Checklists.....	31
7	Audio Requests .....	90
	Access to Audio Recordings .....	90
	Access to Audio/Video Recordings .....	90
	Audio and Audio-Video Distribution Format .....	90
	Audio Request Form .....	90
	District Court Audio Requests.....	90
8	Maryland Laws and Reference.....	92

## **1 Purpose**

This manual provides guidance on policies and procedures for use by those performing court reporting, electronic recording, and transcription work for the Maryland Judiciary. It provides definitions, duties, and requirements for court reporters as well as an overview of the Maryland Court system and laws affecting the reporting process. Directions and examples of proper transcription are also included. The purpose of the manual is to support consistent and clear procedures throughout the Judiciary.

### ***Acknowledgements***

This Court Reporting Manual was prepared by the Court Reporting Workgroup. Deepest thanks and gratitude to the Committee members and staff for their support and commitment to this project.

## 2 Overview of Judicial Branch

The Judicial Branch consists of the Supreme Court of Maryland, the Appellate Court of Maryland, the Circuit Courts, the District Court of Maryland, and the Orphans' Courts.

The Chief Judge of the Supreme Court of Maryland is, by Constitution, the Administrative Head of the Judicial Branch. In this capacity, and pursuant to Maryland Rule 16-505, the Chief Judge has the authority and the responsibility for administering the system of court reporting in Maryland courts. This includes the authority to adopt qualification criteria for individuals engaged in court reporting, as well as formatting requirements and statewide fees for transcripts. See the [Administrative Order Setting Minimum Requirements for Court Reporting and Transcription](#).

### ***Supreme Court of Maryland (SCM)***

The Supreme Court of Maryland is the highest State tribunal in Maryland and is located in Annapolis, the state's capital. The Court is composed of seven judges – the Chief Judge and six associate judges – with each judge representing one of the seven appellate circuits.

The Supreme Court of Maryland hears cases almost exclusively by way of *certiorari*, a discretionary review process that allows the Court to concentrate on issues that are “desirable and in the public interest.” A party generally may file a petition for a *writ of certiorari* for review of a case or proceeding pending in, or decided by, the Appellate Court of Maryland on appeal from a circuit court, an orphans' court, or the Maryland Tax Court. *Certiorari* may also be granted in a case that has been appealed to a circuit court from the District Court or from the Motor Vehicle Administration, after the initial appeal has been heard in the circuit court.

Transcripts of proceedings in the Supreme Court of Maryland are not prepared; however, the proceedings are webcast live and recorded. Webcast recordings are archived on the Maryland Courts website.

### ***Appellate Court of Maryland (ACM)***

The Appellate Court of Maryland is the intermediate appellate court and is located in Annapolis. The Appellate Court of Maryland is composed of 15 judges – the Chief Judge and 14 associate judges – at least one of whom comes from each of the seven appellate circuits. The Appellate Court of Maryland generally sits in panels of three, although will occasionally sit *en banc*.

The Appellate Court of Maryland is an appellate court of general jurisdiction. It has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order, or other action of, and generally hears cases appealed directly from, a circuit or orphans' court, unless otherwise provided by law. The Court also considers applications for leave to appeal in such areas as postconviction, habeas corpus matters as to denial of or excessive bail, continued commitment of or stay of execution for insane or incompetent defendants, inmate grievances, appeals from criminal guilty pleas, violations of probation, and denial of victim rights.

Transcripts of proceedings in the Appellate Court of Maryland are not prepared, but oral arguments are audio recorded.

### ***Circuit Courts***

There is a circuit court in each of the 23 counties in Maryland and one in Baltimore City. The courts are grouped into eight geographical circuits. Circuit courts are trial courts of general jurisdiction and handle all jury trials; major civil cases; more serious criminal cases; juvenile cases; family matters including divorce and child custody; and, most appeals from the District Court, orphans' courts, and certain administrative agencies.

Circuit courts are courts of record, which means that all proceedings before the court are recorded. Transcripts include all proceedings in a case. Unless a copy of the transcript is already on file in the circuit court, an appellant appealing to an appellate court shall order transcripts from the Office of the Court Reporter in the circuit court from the county in which the proceedings were held. See [Maryland Rule 8-411](#).

### ***District Court***

The District Court of Maryland is comprised of 12 geographical districts and 34 locations statewide. The jurisdiction of the Court includes all landlord-tenant cases, replevin actions, motor vehicle violations, misdemeanors, and certain felonies. In civil cases, the District Court has exclusive jurisdiction in claims for \$5,000 or less, and concurrent jurisdiction with the circuit courts in claims for amounts above \$5,000 but less than \$30,000. The jurisdiction of the District Court is concurrent with that of the circuit courts in criminal cases, classified as misdemeanors and certain felonies, in which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more. The District Court also holds bail and preliminary hearings for any crime charged in Maryland. The District Court does not conduct jury trials.

As with the circuit courts, the District Court of Maryland is a court of record, and all proceedings before the Court are recorded. A typed transcript of a proceeding will be produced under certain limited conditions in accordance with [Maryland Rule 7-102\(b\)](#).

### ***Orphans' Courts***

Orphans' courts handle wills, estates, and other probate matters. They also have jurisdiction, along with the circuit courts, to appoint guardians for the person, and to protect the estates of unemancipated minors. Appeals from orphans' courts are generally to the circuit courts, where the matter is tried *de novo* before a judge or jury. If appealed to the Appellate Court of Maryland, the matter is heard on the record.

### 3 Definitions

Term	Definition
<b>CART Reporter</b>	A CART (Communication Access Realtime Translation) Reporter is a court reporter using CAT (computer-aided transcription) software, who converts the spoken word into English text and then into a feed that is displayed on a computer terminal screen for use by a hearing-impaired individual. The hearing-impaired individual could be a juror, a judge, a defendant, a witness, or other litigant. The CART reporter should not act as both the official court reporter and the CART reporter simultaneously. The CART reporter is governed by the rules and laws affecting interpreters.
<b>Court Recorder</b>	An individual employed, contracted, or utilized by a court to record testimony by electronic means (audio or audio-visual).
<b>Court Reporter</b>	An individual employed, contracted, or utilized by a court to record testimony whether through the use of a stenographic machine or equipment, written symbols, or otherwise.
<b>Court Reporting</b>	The act of making the official verbatim record – that is one that reflects accurately what was spoken by a participant during any on-the-record proceeding in, or for use in, any Maryland court – whether by an audiographer, reporter, videographer, or other individual, through the use of an electronic device, stenographic machine or equipment, written symbols, or otherwise.
<b>Court Reporting Personnel</b>	Court reporters, court recorders, transcriptionists, and any other personnel whether employed or contracted who make the court record for use in any Maryland court.
<b>Digital Audio Files</b>	Files created by digital recording systems and saved in a format that allows storage and playback through computer applications.
<b>Electronic Transcript</b>	An official transcript delivered in an electronic, non-paper medium.
<b>Notes</b>	A verbatim record of a proceeding made whether through use of an electronic device, stenographic equipment or machine, written symbols, or otherwise – including the dictionary, media storage files, audio or video files, and other documentation needed to prepare a transcript.
<b>Log notes</b>	Time stamped notations in digital audio recording programs which allow users to search for specific areas of the court recording.
<b>Operator</b>	The person assigned to operate the audio or audio-video recording system.
<b>Realtime Reporter</b>	A court reporter, using CAT (computer-aided transcription) software, who converts the spoken word into English text instantly into a feed that is displayed on a computer terminal screen that can be viewed, read, streamed, and searched by attorneys, judges, and litigants.
<b>Transcriber</b>	An individual who prepares a transcript of a proceeding from an audiotape, digital recording, videotape, or other means, and who certifies the transcript.
<b>Transcript</b>	The verbatim record of an oral proceeding that is prepared and certified by a transcriber and serves as the official record of that proceeding.
<b>Transcription Services</b>	A vendor, employee, or contractor who transcribes the verbatim record of court or on-the-record chambers proceedings, or portions thereof, from audio or video files.

## 4 Human Resources

### ***Qualifications***

A Maryland court, subject to the approval of its administrative judge, may use vendors, contractors, or employees for court reporting or transcription services so long as the vendor, contractor, or employee meets the qualifications set forth in the Administrative Order Setting Minimum Requirements for Court Reporting and Transcription in Maryland Courts issued September 9, 2021. A court may obtain these services directly from qualified individuals, vendors, or contractors who provide qualified court reporters or transcriptionists.

Individuals, vendors, or contractors providing transcription services must meet or exceed industry quality standards, maintain certification records for reporters or transcriptionists, and provide proof of certification on demand.

Prior to commencing work as an employee or contractor, a court reporter or transcriptionist responsible for making the record shall provide proof of certification as a court reporter by a national or state certifying body, a copy of which shall be maintained by the Court Administrator. Thereafter, the court reporter must maintain his or her certification and submit proof of such certification annually. Although certification is preferred, an employee or contractor may, subject to the approval of the Court Administrator, substitute two year of relevant court reporting experience in lieu of certification.

The requirement for certification shall not apply to any employee or contracted employee already employed and in good standing as of September 9, 2021.

### ***Appointment***

Court reporters are Judiciary employees that are generally funded by the local (county/city) jurisdiction. The judges of the circuit courts, pursuant to Court and Judicial Proceedings 2-501, have the authority to hire court reporters. As a result of this localized authority, the hiring and appointment practices of the local jurisdiction should be followed. The qualifications established in this document will serve as a minimum level of certification or experience. Local jurisdictions may impose more qualification requirements as appropriate.

### ***Private Court Reporting Activities***

Generally, court reporters are permitted to establish and run a private business that engages in the production of transcripts. It is the best practice to obtain the permission of a Court's Administrative Judge to be certain that such work is not in conflict with the court reporter's official duties. Under State ethics law, court reporters may not, under any circumstances, perform private transcript preparation or production work during hours they are employed by the court.

### ***Supervisory/Chief Court Reporter***

Pursuant to [Maryland Rule 16-505](#), a county with more than one court reporter shall have one court reporter designated as a supervisory court reporter. The county administrative judge has supervisory responsibility over court reporters and recorders in the circuit courts and may delegate supervision to a supervisory court reporter.

***Professional Conduct***

Court reporters may look to Maryland's Code of Judicial Conduct for guidance on decorum and performance, both in and out of the courtroom. That Code, found in Title 18 of the Maryland Rules, though not directly applicable to court reporters, serve as guidelines for addressing situations where political, personal, and business involvements, both past and present, might conflict with professional responsibility. The court reporter must always be cognizant of the overriding requirements of propriety of action, impartiality of treatment, and balance in approach. The court reporter must follow the court rules, case law, and statutes, as they apply to other court staff.

A court reporter, like other court employees who interact with the public as well as the Bar, represent the judicial system. Court reporters are expected to exhibit appropriate demeanor, decorum, and professionalism at all times. A newly hired court reporter who has just left employment of an organization should not be involved in the preparation of a transcript concerning a case in which that organization is involved as it may create an appearance of bias. Similarly, a court reporter should avoid cases that involve family members or close friends to avoid any hint of bias or conflict of interest in the work of the court.

***Financial Disclosure***

As court reporters are Judicial Branch employees subject to the state ethics laws, all court reporters whose positions are classified as exempt under the Fair Labor Standards Act and who are compensated at a salary grade with a base equivalent to at least the State of Maryland Salary Schedule Grade Profile STD0016 employees shall file a Financial Disclosure Statement with the State Ethics Commission each year as required.

***Ownership of Transcripts and Notes***

Notes, including the dictionary, and transcripts compiled by a provider of court reporting services are property of the Maryland Judicial Branch.

At the conclusion of the employment/contractual relationship, any notes or transcripts created for a court during the relationship that are in the possession of the court reporter are to be turned over to the appropriate administrative official at the court for which the work was executed.

Providers of court reporting services shall file, store, and dispose of notes in accordance with the Judiciary Records Retention and Disposal Schedule.



***Sample Job Descriptions***

## Circuit Court for Baltimore County Class Specification

**Class Title:** Chief Court Reporter  
Grade 30 (\$49,628 - \$62,216)  
Full County Benefits Available

**Definition:**

Supervises and manages thirteen (13) court reporters on a daily basis. As a reporter, is responsible for recording daily proceedings in the Circuit Court. Reads back from notes taken for the benefit of the court, jury or counsel upon request. Preserves the trial record for appeal.

**Examples of Duties:**

Supervises the assignment of court reporters to court, settlement court and grand jury proceedings; has the responsibility for the recruitment, background review and testing of new court reporters together with any recommendations for employment; supervises transcript requests for masters' hearings; supervises transcript requests of cases reported by reporters formerly employed by the Circuit Court and supervises records storage microfilming of court reporters' notes.

Maintains accurate log of transcripts of proceedings ordered and deadlines fixed by rules of court and prepares typewritten transcripts of notes taken in proper transcript form in accordance with the Maryland Court Reporters' Manual in time to meet fixed deadlines in the Supreme Court of Maryland or Appellate Court of Maryland and files them with the Clerk. Collates and assembles and indexes and binds such transcripts. Performs other related work as assigned. Willingly and cooperatively performs tasks and duties assigned which may not be specifically listed in the position description but are within the general occupational category and responsibility level typically associated with the employee's class of work.

**Minimum Qualification:**

Must have five (5) years of courtroom experience. Must be on CAT (Computerized Assisted Transcription) and attended a recognized court reporting school. NCRA Registered Professional Reporter preferred. Should be able to record verbatim routine courtroom dialogue with 99% accuracy, with a minimum of 225 WPM required.

**Knowledge, Skills and Abilities:**

Good facility with English vocabulary including: legal terminology; medical terminology; engineering terminology; other technical language; and, the ability to decipher and understand various accents at rapid rates of speed. Must have the ability to understand and follow directions on various proceedings and protocol in court cases. Requires basic knowledge of orderly filing and indexing procedures and prompt day to day indexing and filing of stenographic notes.

**Conditions of Employment:**

This position is a non-merit unclassified position appointed by the Circuit Court for Baltimore County and is subject to the personnel policies and procedures adopted by the Court. Hours of operations are 8:30 a.m. to 4:30 p.m. or later at the discretion of the judge. No freelancing or outside work is allowed during working hours.

## Circuit Court for Baltimore County Class Specification

**Class Title:**

1.563 Technical Support Assistant I in the Court Administrator's Office, Grade 23 (\$38,557 - \$48,898) in five annual incremental steps with longevity increases every five years thereafter up to 30 years of service culminating in a salary of \$60,906. Full county benefits available.

**Definition:**

The Technical Support Assistant I assists the Circuit Court in operating the Digital Recording System, which is used to record testimony in Judicial and Master's hearings in the Circuit Court for Baltimore County.

**Example of Duties:**

The Technical Support Assistant I is responsible for operating the Digital Recording System in the Circuit Court for Baltimore County. This system is an audio recording network, utilized for recording and storing testimony for twenty courtrooms and seven magistrates' hearings rooms and two other locations. Duties include: the administration of requests for transcripts; reviewing and "tagging" archived recordings; monitoring of court personnel from a network control room to insure correct "start up", "shut down" and tagging procedures and providing training as needed. Additional responsibilities will include in court "tagging" of daily dockets, troubleshooting network problems in various court locations and ensuring the storage, cataloging and identification of all archived DVDs are according to protocol. Flexible work hours may be necessary when daily court sessions are extended beyond normal business hours. Backup support for other Digital Recording Assistants is an essential element of employment.

**Minimum Qualifications:**

Must have graduated from a recognized high school, plus three years of field experience in a technical setting or graduated from a recognized community college with and A.A. degree plus one year of technical experience.

**Knowledge, Skills and Abilities:**

Must have a basic knowledge of office procedures and methods; must have the ability to keep accurate records; must have the ability to process information according to established guidelines; must be able to exercise a high degree of judgment, tact, diplomacy and competence in dealing with judges, public officials, attorneys, the public and professional personnel. Should be competent in a Microsoft Windows environment and have a working knowledge of Word, Excel and have the ability to adapt to changing technology. It is strongly desired that the person in the position be technically adept.

**Physical and Environmental Conditions**

The work of this classification is essentially sedentary but may include occasional walking, standing, lifting of boxes or other limited physical activities.

**Medical Examination**

Applicants selected for employment must successfully complete a physical examination that will also include urinalysis screening to ascertain that the applicant is drug free.

**Conditions of Employment:**

This position is a non-merit unclassified position with the Circuit Court for Baltimore County and is subject to the personnel policies and procedures adopted by the Court.

Revised 03/19

## Court Reporter for Baltimore County Class Specification

**Position Title: Court Reporter****Department:** Circuit Court**Organizational Relationship:****Reports To:** Court Administrator**Supervises:** N/A**Overview:**

Records all court proceedings for the Circuit Court and prepares audio CDs for the transcription service, the Judges, Masters, attorneys or litigants. Handles correspondence with regard to transcript estimates and CD requests. Reliable, consistent attendance is a requirement and essential function of this position. Confidentiality must be maintained at all times.

**Education/Experience:**

Requires a twelfth grade education; additional education and experience in law/criminal justice preferred. Computer experience a must. Ability to troubleshoot hardware/software technical issues a major plus.

**Required Skills:**

- Thorough knowledge of English usage, punctuation, spelling and legal terminology;
- Knowledge of computers and Microsoft Word software;
- Ability to monitor three to four courtrooms at one time;
- Ability to maintain a professional disposition and an effective working relationship with office personnel, Judges, Masters, courtroom personnel and the public;
- Ability to work in a fast paced environment;
- Ability to work independently yet as a team player within the Court Reporters' Office;
- Ability to maintain organization within the Court Reporters' Office.

**Duties:**

- Test courtroom microphones on a daily basis;
- Assemble and position microphones and equipment prior to Court; contact courtroom personnel throughout proceedings if changes need to be made to said microphones;
- Monitor court proceedings remotely in order to be sure there are no technical difficulties with recording and so that court hearings may be easily accessed either for audio copies or typed transcripts;
- Monitor three to four courtrooms a day for the duration of any and all court proceedings;
- Prepare audio CDs for the transcription service, the Judges, Masters, attorneys or litigants;
- Handle correspondence with regard to transcript estimates and CD requests;
- Answer the telephone and assist those calling with regard to ordering copies of audio recordings or typed transcripts, appeals, exceptions;

- File completed original transcripts with the Clerk’s Office for transmittal to the Appellate Court of Maryland;
- Notify attorneys/litigants when transcripts or CDs are ready to be picked up;
- Work the “late week” as specified in the Court Reporter rotation calendar or as otherwise needed;
- While listening to the individual courtrooms, type in case names, numbers, attorneys’ names and witnesses’ names and addresses with accuracy. Make notes where cases begin and end in the recording;
- Perform a variety of office duties including ordering supplies, maintaining accounts payable/receivable and ledgers, bookkeeping, bill collecting, delivering correspondence, composing and preparing letters and other documents, and keeping statistical reports;
- Seal court proceedings through Expungements, Orders to Shield, and Grand Jury indictments;
- Requisition of court reporter tapes/notes from remote location at Maryland State Archives for transcript purposes and ensure their return.

**Decision Making:**

- Makes decisions on prioritizing completion of transcripts;
- Makes decisions regarding the note taking in Court and recording of what is said;
- Makes decisions on directing speakers, including attorneys, to microphones to assure accurate recordings.

**Accountability:**

Accountable independently for the efficient, timely, and accurate recording of Court proceedings.

Rev: 10/7/14

## Circuit Court for Howard County

### Position Announcement

**Job Title: Court Reporter**

**Position Type: Full-time**

**Opening Date: April 18, 2018**

**Closing Date: May 2, 2018**

**Grade/Entry Salary Range: G /\$39,953 – 45,060**

**Starting salary commensurate with education and experience.**

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This position is responsible for recording verbatim court proceedings. The incumbent will report to the Supervisory Court Reporter.

#### **Essential Functions:**

- Records and monitors court proceedings using digital audio recording system, including the taking of notes, keeping the recording system in the courtroom in good working condition and preparing the courtroom for trials and hearings;
- Prepares hearing sheets in Magistrates cases;
- Prepares transcripts in accordance with Court Reporters Office guidelines;
- Processes transcript requests, packages transcript requests for outside typists, retrieves and plays recordings for parties and attorneys;
- Estimates transcript costs;
- Processes expungements;
- Prepares copies of audio recordings for the public;
- Performs administrative and secretarial duties, upon request; and
- Assists the public, attorneys and related state agencies by providing information about the provision of transcripts and audio recordings, both in person, and by telephone.

#### **Knowledge, Skills and Abilities:**

- Fast and accurate typing and proofreading skills, with attention to detail;
- Working knowledge of Windows based applications with an emphasis on Word, WordPerfect and Excel;
- Ability to be flexible regarding overtime work without advance notice, as jury deliberations may extend into the evening;
- Knowledge of legal terms, court procedures and understanding of State and County court structure;
- The ability to exercise discretion and independent judgment and interpersonal skills to interact effectively with all levels of professionals (judges, attorneys, court personnel, the public, etc.).
- Excellent organizational skills, the ability to establish priorities, be adaptable, and multi-task oriented.
- The ability to communicate effectively both orally and in writing, using proper grammar, syntax and spelling.
- Ability to add, subtract, multiply, and divide in all units of measure using whole numbers, fractions, and decimals.

**Experience:** Relevant experience includes paralegal, legal secretarial, law enforcement, Court or Clerk's Office experience.

**Education:** Possession of an Associate's Degree from an accredited college or university with two years relevant experience. Two additional years of experience can be substituted for the educational requirement.

Please submit a resume, salary history and references (e-mail preferred) stating the position title by 11:59 pm of the closing date to:

Deidre Barksdale  
Circuit Court for Howard County  
8360 Court Avenue  
Ellicott City, MD 21043  
[dbarksdale@howardcountymd.gov](mailto:dbarksdale@howardcountymd.gov)

The Circuit Court for Howard County is a drug-free workplace and an equal opportunity employer and values diversity in the workplace. We do not discriminate on the basis of race, religion, color, sex, age, sexual orientation, national origin or disability. Applicants who need accommodation for an interview may request such assistance in advance of an interview. The candidate selected for this position will be subject to a background check and must be a US citizen or eligible to work in the US. A criminal background check will be done prior to hiring of individual.

## Washington County

**Court Reporter Grade:10****FLSA Status: Non-Exempt****General Definition of Work:**

Performs difficult skilled clerical and administrative work preparing a verbatim record of all court proceedings, transcribing and preparing legal documents and correspondence, providing general office support and in assisting the Court with legal research and procedures. Direction is provided by the Judges in assigned courts.

**Essential Functions/Typical Tasks:**

(These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

I. Attends court sessions and accurately take stenographic notes and/or records all proceedings; prepares, proofreads and distributes transcripts, including preparing CD's of proceedings.

Maintains, preserves and stores court logs, CD's and transcripts.

Prepares probation orders.

Prepares transcripts of proceedings in a timely manner.

Provides estimates of cost of transcripts for interested parties.

Prepares and distributes pre-sentence investigation forms.

Prepares verdict sheets.

Assists judge's administrative assistant when she is unavailable or out of office by answering the telephone, making copies, taking messages, scheduling appointments, typing orders, faxing materials, and obtaining files from Clerk's Office.

Assists courtroom personnel by preparation of courtroom when bailiff is absent, swearing in witnesses when clerk is absent and furnishing information about proceedings to clerk.

Assists bailiff in obtaining lunches and dinners for jurors during deliberations.

II. Orders supplies for and maintain court reporting equipment.

Attends and records Grand Jury proceedings as required.

Performs related tasks as required, including, but not limited to, being cross-trained with all other court reporters and substituting for them as necessary.

**Knowledge, Skills and Abilities:**

General knowledge of courtroom procedures; thorough knowledge of the English language, spelling, grammar and punctuation; possession of a good vocabulary, including legal terminology; thorough knowledge of the use and operation of computers, typewriters, electronic recording and transcribing equipment, faxes and copiers; ability to accurately transcribe and type at a speed of not less than 45 words per minute from electronically recorded testimony; ability to establish and maintain effective working relationships with associates, courtroom personnel and the general public.

**Education and Experience:**

Any combination of education and experience equivalent to graduation from high school or from an accredited community college



with major course work in secretarial science, court reporting or related field and extensive legal assistance experience.

**Physical Requirements:**

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires fingering, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word, and conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for preparing and analyzing written or computer data, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions.

**Special Requirements:** Valid Driver's License.

Revised: 8/2015

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

## 5 Audio Recording Procedures

**Background:** As of the date of drafting this section, the majority of trial courts in Maryland use either CourtSmart or For the Record (FTR) to record proceedings. Some also use in-courtroom court reporters in addition to or in lieu of the audio recording. These procedures are intended to make the process of recording courtroom audio as uniform as possible and ensure the quality of the recording. While these procedures/guidelines are based upon the operation of CourtSmart/FTR, they can be applied generically to any recording system.

Each court must establish written procedures and assign appropriate personnel to ensure that all proceedings are properly recorded and that appropriate information (described below) is recorded.

### ***Personnel:***

- Judges have overall responsibility for court proceedings and for ensuring, along with the operator and the courtroom clerk, that the system is operating efficiently so that a clean record of the proceedings can be produced.
- **Operator.** The operator is responsible for operating the recording system and must be familiar with the system's operating manual and must maintain a log of the proceedings.
- **Courtroom clerk.** The courtroom clerk or other designee of the court is responsible for assisting the presiding judge, including receiving and marking exhibits and other evidence, and keeping a record of the proceedings.
- **Vendor.** The vendor provides the audio recording system, which may include computers, processors, encoders, and other similar technology. It may also include microphones, speakers and other hardware.
- **Judicial Information Systems (JIS).** JIS is responsible for managing the Judiciary's technology infrastructure and information systems (software, hardware, networks, servers, etc.).

### ***Procedures:***

- In general, a court must maintain its recording equipment according to the system's operating and procedures manuals, in conjunction with Judicial Information Systems. It is especially important to maintain the servers on which the data is stored and have a robust system of backups so that data is not lost.
- Before proceedings are started each day, the operator must check the system to ensure that it is working properly and that all microphones are recording.
- If a problem with the system is discovered, the presiding judge must be immediately notified and the commencement of proceedings must be delayed until the system is again fully operational or an alternate means of recording is found (i.e. changing courtrooms, using a court reporter, or recording on another suitable device).

- If a problem arises after proceedings have started, the proceedings must be stopped immediately until the problem is resolved.
- Before proceedings start, the presiding judge or the courtroom clerk must announce that all proceedings are being recorded. In addition, visual reminders must be used to indicate that the proceedings are being recorded, such as a placard in the courtroom or on its door, or an electronic sign that illuminates when recording has started.
- Start the recording at the beginning of a proceeding.
- Recording must be continually monitored to ensure the accuracy of the record and to preserve the ability to transcribe the recording.
  - The presiding judge and the courtroom clerk, if any, must remind counsel, witnesses, and parties to speak clearly and one-at-a-time so that the recording is clear.
  - Reminders must be repeated whenever the amount of cross-talk/noise impedes a clear recording.
- Recording may be stopped at lunch or other significant breaks. If this is done, the operator must:
  - Ensure that the equipment is tested again before re-commencement of the proceedings.
  - Start/re-start the recording when the proceedings recommence.

**Tagging:**

- The Operator must tag the start time and end time of each separate proceeding.
- Additional tagging:
  - Case name
  - Case number
  - Key events in the proceeding
  - *Voir dire*
  - Jury instructions
  - Opening and closing arguments
  - Identification of witnesses
  - Playing of recordings as evidence
  - Any other events directed by the administrative judge or presiding judge

**Log of Events/Special Procedures:**

- The operator must keep a legible running log of key events and other appropriate notes to assist the transcriber in completing the transcript if questions arise.
- Log the Play back of video/audio recordings with:
  - A description of what is being played in court
    - Video/audio

- Any limitations on the play back
  - What portions are or can be played
- Record in the log:
  1. The general subject of the recording, for example:
    - a. Police interrogations
    - b. Body worn camera
    - c. Surveillance video
    - d. Security camera video
    - e. Recorded conversations
  2. Name of the speaker(s) in the audio
- Telephone or audio/video appearances of witnesses, counsel, etc.
  - Ensure that any audio played in the courtroom is either amplified through the audio system or can be picked up by the audio system.
    - This must be tested each time this process is used.
  - Record in the log the name of the speaker(s) in the audio.
- Bench Conferences.
  - The recording system must be configured so that bench conferences are recorded.
  - This must include the ability to isolate the bench microphone(s) from any amplification so that the audio is recorded but is not played in the courtroom.
  - Log when bench conferences occur and who was present.
- Chambers Conferences.
  - Provision must be made for recording chambers conferences either through the recording system or other appropriate system.
  - Log when chambers conferences occur and who was present.

***Depositions:***

- Audio recording of depositions are governed by Rules 2-415 and 2-416. All deposition service providers must comply with these Rules when providing depositions for Maryland court proceedings.

## 6 Transcripts

### ***Preparation***

A court reporter or transcriptionist shall begin work on a transcript after receiving a written request and any deposit, if requested, and shall deliver the completed transcript to the Clerk or Register of Wills within the timeframe determined by contract, policy, or agreement.

A court reporter or transcriptionist may request a deposit not to exceed twenty-five percent (25%) or consistent with the terms of any transcription contract prior to preparing a transcript and need not provide a copy to the ordering party prior to full payment for the transcript.

The administrative judge for each circuit court shall develop protocols, in conjunction with the court administrator or clerk, for prioritizing the work of the court reporters in each circuit court, but transcripts requested for appeal should be given the highest priority. The Chief Judge of the District Court shall develop protocols for prioritizing the work of the court reporters for the District Court.

*Pursuant to MD Rules [8-413](#) and [8-608](#), the Clerk is required to include the cost of transcript preparation in the materials transmitted to the appeals courts. In order to facilitate compliance with the Rules, the court reporter/transcriptionist shall deliver to the Clerk a cost sheet that identifies the costs associated with the preparation of the transcript. The cost sheet shall be delivered to the Clerk in the same manner and at the same time the transcript is produced (the cost sheet means a document indicating the total cost of the transcript).*

### ***Proceedings Overview***

#### **1. Pleadings.**

To initiate a civil case, a party – the plaintiff – files a pleading called a complaint, to which the other party – the defendant – files a pleading called an answer. Additional legal documents, such as motions, are filed as the case proceeds towards trial. Maryland Rules lay out the procedures for filing such documents in a circuit court and the District Court.

To initiate a criminal case, a prosecutor files a charging document – such as an indictment of a grand jury or an information – that accuses the defendant of having committed a crime(s).

#### **2. Grand Jury Proceeding.**

The grand jury is an inheritance from the ancient Common Law of England. The grand jury decided whether there was sufficient evidence to warrant a trial of the facts in a felony and, so frequently stood as a barrier against royal persecution, it became regarded as an institution that secured the Monarch's subjects against the oppression of unfounded prosecutions by the Crown. The grand jury system was carried over in the United States with a similar intent to provide protection against unfounded accusations by the State.

Although a grand jury can take cognizance of any criminal activity that comes to its attention, a prosecutor presents most cases. In Maryland, the State's Attorney Office prosecutes most criminal offenses; however, the Office of the Attorney General prosecutes some crimes. As well, the Office of the State Prosecutor handles cases referred to that office because political or other considerations mitigate against a State's Attorney doing so.

Code, Courts and Judicial Proceedings Article, enables a court to appoint a reporter to take and transcribe testimony given before a grand jury for the exclusive use and benefit of the grand jury and prosecutor, unless the court orders otherwise. A criminal penalty of one year's imprisonment or \$1,000 fine, or both, is authorized for wrongful disclosure. If a court reporter is authorized by court order to act as grand jury reporter, the Clerk of Court will administer an oath, substantially as follows: *"and that I will keep secret all matters and things occurring before said grand jury, except as to the [prosecutor], and I will not permit any person or persons to take a copy of the testimony or portions thereof, nor will I disclose the character of any of the contents to any person or persons, other than the grand jury, except on a written order of Court only made after hearing the [prosecutor]."*

As a general rule, a grand jury is presented with only one side of the evidence, the State's, on the basis of which the grand jury decides whether there is sufficient evidence to warrant returning a true bill, or indictment, against the accused.

An official reporter will be present in the grand jury room to preserve testimony. Hence, at all times while a witness is in the grand jury room, the proceedings are on the record.

Witnesses are called one at a time before the grand jury. Since a prosecutor may want testimony preserved to allow a later perjury indictment, a reporter must include verbatim the oath and swearing of the witness and his/her answer, so that no question as to the form of oath or the response arises.

The prosecutor normally questions the witness. Usually, after the prosecutor has completed examination of the witness, the grand jurors are allowed to ask questions, although the jurors may do so at any time. With no direct or cross-examination, Q and A is the simplest format for this part of the proceeding.

Between witnesses, there may be informal discussion among the jurors and prosecution. Unless otherwise specified, such discussion usually is not recorded, as it is not testimony. Some prosecutors require everything transpiring in a grand jury proceeding to be recorded and transcribed because the transcript provides a means of educating the assigned prosecuting attorney. Consideration should be given to making it mandatory to record everything said, not just to educate attorneys but to have a complete record.

After all of the testimony is completed and the grand jury is ready to commence its deliberations and vote, the official reporter should leave.

Due to the oath of secrecy, an official reporter must prepare the transcript, unless a transcriptionist is appointed and sworn under the same oath as the reporter.

A transcript is made solely for the benefit of the prosecutor and grand jury and, absent court order, is not to be provided to anyone else. Some public local laws expressly state that notes, and transcripts, of grand jury proceedings are to be retained in the custody of the prosecutor.

### **3. Interpreter.**

On occasion, a juror, party or witness may need an interpreter(s). For example, even if a defendant speaks or understands some English, understanding all – not just some – of the testimony is critical. The court will appoint, as an officer(s) of the court, one or more

interpreters to interpret the *on the record* proceeding and the portion of the *off the record* proceeding in which the juror, party, or witness is entitled to participate.

A court must determine that a prospective interpreter is qualified, in the same manner that any expert witness is qualified. If so, the Clerk administers an oath calling for the interpreter to interpret faithfully and accurately.

Ideally, if counsel and the interpreter are experienced, questions will be asked, and answers given, in the first person, in which case the answers are set out normally. Unfortunately, this is not always the case. For example, an attorney will say, "Ask her who she works for," and the interpreter will say, "She says she works for Mr. Jones." This is the incorrect format for interpretation and should alert a judge to investigate further the qualifications of the interpreter, but an official reporter has no control over the questioning.

#### 4. Hearing or Trial.

##### A. Colloquy.

Colloquy is conversation between anyone other than a witness and examining attorney. A typical court proceeding begins with colloquy between the judge and attorneys. In colloquy, the judge is always identified as "THE COURT", while an attorney is identified by his or her name.

Whenever jurors are speaking or being spoken to, the format is colloquy. If a witness answers a question during colloquy, the response is colloquy.

##### B. Question and Answer.

Question and answer (Q and A) testimony is conversation between a witness and examining attorney. Whenever a witness is sworn, the questioning is set up as Q and A. Q and A must be a sequence.

##### C. Order of Proceeding.

Subject to reasonable control of a court over the mode and order of interrogating witnesses, the following order generally is followed until the prosecutor or plaintiff rests his/her case and the defendant rests his/her case:

- *Voir Dire* of Interpreter(s): The questioning (*voir dire*) of an interpreter to determine qualification as an expert witness.
- Interpreter Oath: Swearing of an interpreter as required by Maryland Rule 5-604.
- Jury Selection: The period during which prospective jurors are questioned (*voir dire*), challenged by counsel, and sworn. *See Jury Voir Dire* below.
- Opening Statement of Prosecutor/Plaintiff: An overview of what counsel expects witness(es) and exhibit(s) to prove.
- Opening Statement of Defense: A defense overview, occasionally reserved until the prosecutor/plaintiff rests.
- Prosecutor/Plaintiff's Witness(es)/Exhibit(s):

- Direct Examination: The first questioning of a witness by the prosecutor/plaintiff.
- Exhibit: Material introduced as evidence, after laying of a proper foundation for introduction through testimony of a witness.
- Cross-Examination: The first questioning of a witness by the defense or any questioning of an “adverse” witness – a witness obviously hostile to the party’s interests, such as a defendant when called by a plaintiff.
- Redirect Examination: The questioning of a witness by the prosecutor/plaintiff, after cross-examination of the witness.
- Recross Examination: The questioning of a witness by the defense, after redirect examination.

A court may conduct an examination (*voir dire*) of a witness. For example, a party may make a proffer of what an individual will say, and the court will determine whether the individual is to be allowed to testify, or not because of, *e.g.*, lack of mental competence.

No matter how many “turns” counsel have, examination remains redirect and recross. There is no such thing as re-redirect or re-recross.

- Prosecutor/Plaintiff Rests: An announcement that the main portion of the prosecutor/plaintiff’s case is complete.
- Motion to Dismiss/Motion for Judgment of Acquittal: A request by the defense for a ruling by the court that the plaintiff/prosecutor’s case is insufficient to warrant continuation.
- Defense Witness(es):
  - Direct Examination: The first questioning of a witness by the defense.
  - Exhibits: Material introduced as evidence after proper laying of a foundation for introduction through testimony of a witness.
  - Cross-Examination: The first questioning of a witness by the prosecutor/plaintiff or any questioning of an “adverse” witness – a witness obviously hostile to the party’s interests.
  - Redirect Examination: The questioning of a witness by the defense, after cross-examination of the witness.
  - Recross Examination: The questioning of a witness by the prosecutor/plaintiff, after redirect examination.
- Defense Rests: Announcement that the main portion of the defense is complete.
- Rebuttal: The questioning of a witness by the prosecutor/plaintiff to contradict, or rebut, evidence presented as part of the defense, generally limited by the court to new matters with which the prosecutor/plaintiff’s case did not deal.
- Surrebuttal: The questioning of a witness by the defense to contradict rebuttal.



A witness questioned during rebuttal or surrebuttal may be a witness who testified earlier – *i.e.*, a recalled witness – or a witness who has not testified previously.

- **Motion for Judgment:** A ruling by the court, on motion of the defense, deciding a case without its submission to the jury. See [Rules 2-519](#) and [4-324](#).
- **Conference on Instructions:** A conference in which the judge and counsel, out of the hearing of the jury, decide on instructions to be given to the jury, generally based on proposed instructions submitted by the parties and their respective objections.

A court will decide whether this conference is conducted on the record or very informally of the record with only the exception(s) to the court’s decision and the reason(s) for the exception(s) stated on the record. Normally, instructions requested but not given are filed in the case file. Final instructions usually are compiled in written form, for the court to read to the jury with, in some instances, a copy also given to the jury.

- **Closing Statement/Argument by Prosecutor/Plaintiff:** A summary of the case by the prosecutor/plaintiff.
- **Closing Statement/Argument by Defense:** A summary of the case by the defense.
- **Rebuttal:** The prosecutor/plaintiff’s response to the defense’s closing statement/argument.
- **Jury Retires:** Retirement of the jury to the jury room, for out of court deliberation.

The court will determine the need for an official reporter to remain in or near the courtroom to be available should additional proceedings transpire because of a jury question or verdict. A jury sometimes will ask that a portion(s) of a proceeding be read, in which case a court must decide whether doing so would emphasize that portion unduly – the alternative, reading of the entire proceeding generally being impracticable.

- **Verdict:** The decision of the jury, read by the jury foreperson in the courtroom.
- **Hearken:** The command for the jury to heed the verdict to ensure that it reflects the decision of the jury accurately.
- **Poll:** The question, to the jury as a whole or each juror individually, as to agreement with the verdict, as announced by the jury foreperson.

#### D. *Jury Voir Dire.*

The manner by which prospective jurors are to be summoned for service is set out in a juror plan adopted by each circuit court. Individuals passing an initial screening through juror qualification forms are summoned each day in numbers sufficient to provide juries in all jury trials scheduled for that day. Maryland juries are comprised, in civil cases, of six jurors and, in criminal cases, of 12 jurors. A court also may want alternate jurors, to serve should an original juror become sick or otherwise unavailable.

Counsel chooses jurors for a particular case after the judge has asked prospective jurors questions agreed to by the judge and counsel and related to the qualification of prospective

jurors to serve as jurors generally and in the particular proceeding. This questioning is “*voir dire*”.

Counsel do not have to agree to a *voir dire* question. Normally, they are proposed by an attorney, but one attorney (or sometimes both) may object to a question (and, indeed, they must object on the record if they want to preserve the point for appellate review).

Unless the parties agree otherwise, all proceedings in open court are to be recorded; therefore, the court may question individual jurors on potentially embarrassing information in bench or chamber conferences. Jurisdictions are encouraged to identify jurors by number and not by name.

Counsel eliminates prospective jurors through challenges accepted by the court as being for cause – *e.g.*, relationship of the prospective juror to a party – and through a limited number of peremptory challenges for which counsel need not state a reason for eliminating a prospective juror. Counsel has, on occasion, used peremptory challenges in an unconstitutional, discriminatory manner to eliminate, for example, all prospective jurors of a particular race. Challenges to such exclusionary juries are known as *Batson* inquiries after the seminal case. Most recently, the United States Supreme Court reversed and remanded a death penalty case for review of a trial court’s denial of *habeas corpus* predicated on too rigorous an evidentiary showing for a *Batson* challenge. *Miller-El v Cockrell*, U. S. (2/25/03). A court may have such challenges made out of the hearing of the prospective jurors so that they will know neither the party who challenged a particular juror nor the basis of the challenge.

Once a jury is agreed to, the jury will be sworn. The identity of those sworn must be noted only by juror number.

#### E. Conferences.

There are various types of bench or chamber conferences.

In the course of a proceeding, particularly before a jury, counsel will ask permission to approach the bench or the judge will direct counsel to do so. An official reporter should approach as well, if necessary, to adjust microphones or otherwise be at the bench to hear that part of the proceeding.

Nothing is off the record unless the court so directs; therefore, if counsel indicates the conference is off the record, the official reporter must get confirmation from the judge. The judge also should indicate when the proceeding is back on the record, but the official reporter should inquire if there is any doubt. Appreciation for the importance of having a complete record of all portions of a proceeding has reduced the instances in which a judge should hold an off the record conference, and it is crucial that a reporter never assume that a conference is off the record. *See, e.g., Wooten-Bey v. State*, 318 Md. 301 (1990) (discussion of judge’s directive after court reporter ceases recording on “all rise”).

### **Transcription**

The *Style Guide* below provides suggested direction on format and usage. While not required, the court strongly encourages the use of this formatting to help ensure consistent standards and uniformity.

## I. Scope of Transcript.

A transcript is to be a **verbatim record** of a proceeding.

No one, not even a judge, should interfere with or cause alteration of the true record as recorded/reported by the official reporter/transcriptionist. Any deviation in a transcript or certified record hinders appellate review.

## II. Title Page

### A. Parties.

On the title page, capitalize every letter in the names of the parties.

Juvenile matters have especially stringent confidentiality requirements. Please reference [CJ 3-827](#) & [CJ 3-8A-27](#) for restrictions on disclosure of information

The record in a criminal investigation by a grand jury is not to disclose the name of the person under investigation in “any opinion, oral argument, brief, record extract, petition, or other document pertaining to the appeal that is generally available to the public.”

*Examples:*

*John S.*

*In re investigation no.*

*But not:*

*John Smith*

*In re investigation of John Smith*

## III. Indentation.

### A. Exhibit.

A reference to an exhibit is to be set apart from the testimony in parentheses on the right side of a page.

### B. Questions and Answers.

There is to be an indentation of five spaces to the Q or A plus an additional five spaces to the text of the Q or A.

### C. Quotation.

After the first line of a paragraph, a quotation is to be indented an additional five spaces.

### D. Testimony.

Designations of examinations are to be centered on a page.

## IV. Lines.

### A. Alignment.

Line numbers are to be aligned with the text so that no text appears in between line numbers.

### B. Blanks.

There are to be no unnecessary blank lines on a page.

### C. Minimum.

There are to be no fewer than 25 lines on a page.

D. Numbering.

Each line of a transcript is to be numbered, and there are to be no fewer than 25 lines.

E. Questions and Answers.

Questions and answers are to begin on separate lines.

**V. Margins.**

A. Left.

1. Depth.

The margin on the left side of the page is to be 1.5 (1½) inches.

2. Colloquy.

A colloquy is to begin ten spaces from the left margin; that is, on the 11th space. A carryover line is to return to the left margin.

3. Questions and Answers.

Q and A is to begin five spaces from the left margin. There are to be five spaces from the Q or A to the text – that is, the text is to begin on the 11th space from the margin. A carryover line is to return to the left margin.

4. Quotation.

Each new paragraph of a quotation is to begin ten spaces from the left margin. A carry-over line is to begin five spaces from the left margin.

5. Parenthetical Material.

Each new paragraph of parenthetical material is to begin on the 11th space, and each carry-over line is to begin on the sixth space, from the left margin. Exhibit parentheticals are exceptions.

B. Right.

The margin on the right side of a page is to be 0.5 (½) inches.

The right margin is set to ensure, for example, page numbers are not obscured when a two-sided copy of a transcript is bound.

**VI. Page.**

A. Certificate Page.

The last page of every transcript is to be a separate, certificate page, to signify that the transcript is completed and is an accurate and complete record of the proceeding ordered transcribed. If paper transcript, sign the certificate page in blue ink.

**VII. Indentation.**

A. Numbering.

Each new Volume is to start with page 1.

B. Size.

Each transcript page is to be 8½ inches by 11 inches.

C. Table of Contents Page.

1. Transcript and Volume.

Every transcript, and each volume beginning a new day, is to have a table of contents page, even if there are no exhibits or witnesses.

2. Exhibit.

A table of contents page that gives the page number where an exhibit first is identified is helpful to a reviewer in indicating the first place in the transcript where the exhibit might have been mentioned. In any event, the table of contents page always is to give the page number on which an exhibit is marked for identification and marked into evidence or, if an exhibit is pre-marked, so state.

The court should ensure that marking of items for identification and introduction into evidence are on the record.

3. Motion.

A table of contents page is to give the page numbers for motions that are made; for example, Motion for Judgment of Acquittal.

4. Witness.

A table of contents page is to list:

- the starting page number for *voir dire* examination
- as to a witness:
  - the witness' full name
  - the starting page number for Direct Examination, Cross-examination, Redirect Examination, etc. of the witness
  - the starting page number for the reading of a deposition transcript into the record in lieu of the personal appearance of the witness
  - the starting page number for a videotape playback in lieu of the personal appearance of the witness
  - designation, as the court's witness, of a witness called by the court

D. Title Page

1. Transcript and Volume.

The first page of every transcript, and of each volume beginning a new day, is to be a title page.

2. Minimum Information.

A title page is to include all information pertinent to a proceeding, so that the reader can ascertain at a glance what they need to know, including:

- the number of the volume
- the court in which the proceeding is held
- the city in which the proceeding is held
- the name of each party or the title of the action
- the case number
- the nature of the proceeding
- the date of the proceeding
- the name and title of the person who presided over the proceeding
- the names of all attorneys and the name of each party appearing in proper person
- the name, certification designation, and telephone number of the official reporter/transcriptionist who has taken a proceeding and/or transcribed it, or caused it to be transcribed
- the method of recording the proceeding
- a notation whether the transcript is an excerpt of, or the entire, proceeding

### **VIII. Parenthetical Expressions.**

#### **A. General.**

A parenthetical expression is a verbal cue to place the transcribed words in a proper context. As such, a parenthetical expression often provides information critical for appellate review. Thus, the issue on appeal may be whether a defendant is present at the bench during *voir dire* of prospective jurors and, if not, whether the defendant personally waived the right to be present. Similarly, notation that a jury has entered or exited from a courtroom would allow an appellate court to determine whether the jury was present when an outburst from a spectator occurred in the courtroom and assess the effect accordingly.

The description given in a parenthetical expression is to be a brief, factual notation and not an interpretation. The description is enclosed in parentheses.

A transcript is to identify the jurors actually impaneled by juror number only.

#### **B. Event.**

A parenthetical expression describing an action in the proceeding should start with the time of the event, if applicable. These actions include the times at which a proceeding began and concluded, the time of each adjournment or recess, if any, and the times at which a jury is excused to deliberate and returned to the courtroom for any reason.

*Examples:*

*(Prospective jurors sworn on their voir dire.)*

*(Counsel exercised the right of peremptory challenge and jury duly impaneled.)*

*(Having been examined on voir dire, the Defendant being present at all bench conferences during which jurors were examined, or having waived his presence, counsel exercised the right to peremptory challenge, and the following jurors were impaneled: (insert juror numbers.)*

*(Jury sworn.)*

*(Counsel and Defendant(s) returned to trial tables, and the following occurred in open court:)*  
*(At (time), off record (opening or closing) statement by (counsel) on behalf of (State/Plaintiff or Defendant.))*

*(At (time), off record rebuttal argument by (counsel's name) on behalf of State/Plaintiff.) (At (time), on the record (opening or closing) statement by (counsel) on behalf of (State/Plaintiff or Defendant.))*

*(At (time), on the record rebuttal argument by (counsel) on behalf of State/Plaintiff.) (Open Court.)*

*(At bench.)*

*(At (time), recess in proceeding.) (Jury not present on reconvening.) (Witness approached diagram.)*

*(Off record discussion between counsel and Defendant(s).) (Off record bench conference with counsel.)*

*(Off record bench conference with counsel and Defendant.) ((Item) marked for identification as State's Exhibit No. 1.) ((Item) marked into evidence as Defendant's Exhibit No. 2.) (At (time), witness entered room.)*

*((Name) was duly sworn according to law by the Clerk to interpret for the Defendant. The Defendant was questioned and responded through the interpreter as follows:)*

*((Name), an interpreter, was sworn by the Clerk.)*

*(At (time), altercation erupted in courtroom between witness and Defendant.) (At (time), deposition of (deponent) read into record as follows:)*

*(At (time), reading of deposition concluded.) (At (time), witness excused.)*

*(At (time), jury excused from courtroom.) (At (time), luncheon recess taken.)*

*(At (time), trial adjourned until (time/date).) (At (time), bailiff sworn to take charge of jury.)*

*(At (time), jury retired to jury room to begin deliberations.)*

*(At (time), jury returned to courtroom with question and the following occurred:)* *(At (time), jury returned with verdict.)*

*(At time, proceeding concluded.)*

#### C. Non-Verbal Response.

On occasion, a witness will give a non-verbal response. It is the responsibility of counsel to follow up such response with a question to clarify the answer and to admonish the witness to answer audibly. More often than not, however, counsel accepts a nod for a "yes" and proceeds to the next question. The following parentheticals may be used:

*Examples:*

*(No audible response.) (No response.)*

*(Witness shaking head [side to side].) (Witness nodding head [up and down].)*

#### D. Omissions.

A transcript is to signal omission of parts of a proceeding and give a brief explanation of the omission. The explanation should distinguish between no sound ("inaudible") and sound that cannot be understood ("unintelligible").

*Examples:*

*(Testimony of (Witness(es)' Names) omitted from transcript by agreement of Counsel.)*  
*(Inaudible)*  
*(Unintelligible)*

E. Sealed Transcripts.

While a transcript of a proceeding must be complete, there are instances in which the transcript is not to be open to anyone other than the court.

Unless by rule, statute or other law another procedure for preparation or filing of a transcript of a closed hearing is dictated, it is best if the judge identifies, on the record, the beginning and end of that portion of the transcript to be sealed and whether counsel are to be provided with copies.

An official reporter/transcriptionist is to file, with the clerk of the trial court, the original and counsel's copies and provide notice that the transcript is sealed.

F. Spacing.

There is to be double spacing between lines of a transcript.

G. Stricken Testimony.

Stricken testimony is transcribed in the same manner as other testimony. Even though a judge might direct a reporter to "strike that last answer" and the jury "to disregard what the witness said," the reporter/transcriber transcribes the entire proceeding **exactly** as it took place. An appellate court needs to know what was said – even if stricken.

Counsel's request to "strike that" – *i.e.*, a mis-start – should not be accommodated. An official reporter/transcriptionist should not be editing dialogue in a proceeding, regardless of how "innocent" the editing seems. An official reporter/transcriptionist is not, **even on the order of a judge**, to strike from the record that which actually took place.

**IX. Type.**

Type is to be 10 characters to the inch.

**X. Volumes.**

An official reporter/transcriptionist is to bind each day of trial in a separate volume and number each volume in Roman numerals.

Each new Volume is to start with page 1.

Volumes are to be designated to show the volume number for each day and the number of days.

*Examples:*

"VOLUME I of I" denotes one volume for a one-day trial.

"VOLUME I of II" and "VOLUME II of II" denote the first and second volume of a two-day proceeding.



### ***Transcript Page Rates***

**Charges:** The regular page rate charges for producing transcripts shall ***not to exceed*** the following rates:

<b>Item</b>	<b>Charge</b>
For the paper original of a transcript	\$3.00 per page
For the paper first copy	\$0.50 per page
For the paper second copy	\$0.25 per page
TOTAL for a paper Original and electronic copy	\$3.75 per page

**Expedited Delivery:** The expedited delivery page rate shall ***not to exceed*** the following rates:

<b>Item</b>	<b>Charge</b>
21-day delivery – original order	\$3.75 per page/Copy \$0.50 per page
15-day delivery – original order	\$4.50 per page/Copy \$0.50 per page
10-day delivery – original order	\$5.00 per page/Copy \$0.50 per page
5-day delivery – original order	\$6.00 per page/Copy \$0.50 per page
Daily delivery – original order (delivery by 9:00 a.m. next business day)	\$7.00 per page/Copy \$0.50 per page
Same Day delivery – original order (delivery by 10 p.m. same day)	\$8.00 per page/Copy \$0.50 per page

**\*\*Rates do not include reasonable costs for courier, shipping, or postal delivery of the finished transcript; there will be an additional charge for that service if required.**

### ***Transcript Examples and Checklists***

Please note that the margins, font, and other attributes of the samples contained in this Section have been adjusted to accommodate the format of this Section and do not necessarily comport with the requirements set forth in this *Manual*. Electronic versions of the samples in the proper format will be available on the Judiciary’s website at [www.courts.state.md.us](http://www.courts.state.md.us).

#### **I. Sample Title Pages.**

- Sample Title Page for Civil Proceeding Other Than Juvenile
- First Sample Title Page for Criminal Proceeding
- Second Sample Title Page for Criminal Proceeding
- Third Sample Title Page for Criminal Proceeding
- First Sample Title Page for Juvenile Proceeding
- Second Sample Title Page for Juvenile Proceeding

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>,
2	MARYLAND
3	<<Plaintiff's/Petitioner's name>>,
4	<<Plaintiff/Petitioner>>
5	vs. Civil Docket
6	<<Defendant's/Respondent's name>>, No. <<case number>>
7	<<Defendant/Repondent>>
8	OFFICIAL TRANSCRIPT OF PROCEEDINGS
9	(EXCERPT: TESTIMONY OF <<WITNESS' NAME>>)
10	VOLUME I OF I
11	<<City>>, Maryland
12	<<day, date>>
13	BEFORE:
14	THE HONORABLE <<NAME>>, JUDGE
15	APPEARANCES:
16	For the <<Plaintiff/Petitioner>>:
17	<<NAME>>, ESQUIRE
18	For the <<Defendant/Respondent>>:
19	<<NAME>>, ESQUIRE
20	Reported <<e.g., stenographically>> by:
21	<<Name>>, <<CERTIFICATION INITIALS>>
22	Official Court Reporter
23	<<address>>
24	<<telephone number>>

SAMPLE TITLE PAGE FOR CIVIL PROCEEDING OTHER THAN JUVENILE

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>,
2	MARYLAND
3	STATE OF MARYLAND
4	vs. Criminal Docket
5	<<Defendant's name>>, No. <<case number>>
6	Defendant
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	GUILTY PLEA
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day, date>>
12	BEFORE:
13	THE HONORABLE <<NAME>>, JUDGE
14	APPEARANCES:
15	For the State of Maryland:
16	<<NAME>>, ESQUIRE
17	For the Defendant:
18	<<NAME>>, ESQUIRE
19	Transcribed from electronic recording by:
20	<<Name>>, <<CERTIFICATION INITIALS>>
21	Transcriber
22	<<address>>
23	<<telephone number>>

FIRST SAMPLE TITLE PAGE FOR CRIMINAL PROCEEDING

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>,
2	MARYLAND
3	STATE OF MARYLAND
4	vs. Criminal Docket
5	<<Defendant's name>>, No. <<case number>>
6	Defendant
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	GUILTY PLEA
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day, date>>
12	BEFORE:
13	THE HONORABLE <<NAME>>, JUDGE
14	APPEARANCES:
15	For the State of Maryland:
16	<<NAME>>, ESQUIRE
17	For the Defendant:
18	<<NAME>>, ESQUIRE
19	Transcribed from electronic recording by:
20	<<Name>>, <<CERTIFICATION INITIALS>>
21	Transcriber
22	<<address>>
23	<<telephone number>>

SECOND SAMPLE TITLE PAGE FOR CRIMINAL PROCEEDING

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>,
2	MARYLAND
3	STATE OF MARYLAND
4	vs. Criminal Docket
5	<<Defendant's name>>, No. <<case number>>
6	Defendant
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	MOTION TO SUPPRESS
9	VOLUME   OF
10	<<City>>, Maryland
11	<<day, date>>
12	BEFORE:
13	THE HONORABLE <<NAME>>, JUDGE
14	APPEARANCES:
15	For the State of Maryland:
16	<<NAME>>, ESQUIRE
17	For the Defendant:
18	<<NAME>>, ESQUIRE
19	Transcribed from video recording by:
20	<<Name>>, <<CERTIFICATION INITIALS>>
21	Transcriber
22	<<address>>
23	<<telephone number>>

THIRD SAMPLE TITLE PAGE FOR CRIMINAL PROCEEDING

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>,
2	MARYLAND
3	Sitting As A Juvenile Court
4	IN THE MATTER OF:
5	<<first name, initial of last name>>, Juvenile Action
6	Respondent No. <<case number>>
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	MERITS HEARING
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day/date>>
12	BEFORE:
13	THE HONORABLE <<name>>, Judge
14	APPEARANCES:
15	For the State:
16	<<name>>, ESQUIRE
17	For the Respondent:
18	<<name>>, ESQUIRE
19	Reported <<e.g., stenographically>> by:
20	<<name>>, <<certification initials>>
21	Official Court Reporter
22	<<address>>
23	<<telephone number>

FIRST SAMPLE TITLE PAGE FOR JUVENILE PROCEEDING

1	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>,
2	MARYLAND
3	Sitting As A Juvenile Court
4	IN THE MATTER OF:
5	<<first name, initial of last name>>, Juvenile Action
6	Respondent No. <<case number>>
7	OFFICIAL TRANSCRIPT OF PROCEEDINGS
8	DISPOSITION HEARING
9	VOLUME I OF I
10	<<City>>, Maryland
11	<<day/date>>
12	BEFORE:
13	THE HONORABLE <<name>>, Judge
14	APPEARANCES:
15	For the State:
16	<<name>>, ESQUIRE
17	For the Respondent:
18	<<name>>, ESQUIRE
19	Transcribed from <<video/audio>> recording by:
20	<<name>>, Transcriber
21	<<name of company>>
22	<<address>>
23	<<telephone number>>

SECOND SAMPLE TITLE PAGE FOR JUVENILE PROCEEDING

**II. Sample Table of Contents.**

First Sample Table of Contents.

Second Sample Table of Contents.

TABLE OF CONTENTS						
					Page	
1						
2						
3	Voir Dire Examination of Jurors				2	
4	Opening Statements					
5	By Mr. Smith				5	
6	By Ms. Jones				--	
7	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:	
8	For the <<Plaintiff/State>>:					
9	Louise M. Quincy	10	13	--	--	
10	John Spear	31	35	38	39	
11	For the <<Defendant/Respondent>>:					
12		50	50	52	--	
13	For the <<Plaintiff/State>> In rebuttal:					
14	Abraham Cross	53	54	--	--	
15	EXHIBITS:	IDENTIFICATION:	EVIDENCE:			
16	For the <<Plaintiff/State>>:					
17	Exhibit No. 1	Pre-marked	50			
18	Phyllis Hernandez (Photograph)					
19	Exhibit No. 2	52	60			
20	(Map)					
21	For the <<Defendant/Respondent>>:					
22	Exhibit No. 1	61	65			
23	(Statement)					
24	Exhibit No. 2	Pre-marked	75			
25	(Photograph)					

FIRST SAMPLE TABLE OF CONTENTS PAGE – PAGE 1 OF 2



TABLE OF CONTENTS		
2	continued	
3	Motion for Judgment Argument	80
4	Court's instructions	85
5	Closing Arguments:	
6	By Mr. Smith	90
7	By Ms. Jones	95
8	By Mr. Smith	100
9	Polling of the Jury and/or Verdict	103

FIRST SAMPLE TABLE OF CONTENTS PAGE – PAGE 2 OF 2

TABLE OF CONTENTS					
				Page	
1					
2					
3	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:
4	For the <<Plaintiff/State>>:				
5	Louise M. Quincy	10	13	25	30
6	Jonathan Spear	31	35		
7	For the Defendant:				
8	None				
9	EXHIBITS:	IDENTIFICATION:	EVIDENCE:		
10	For the State:				
11	Exhibit No. 1	Pre-marked		50	
12	(Photograph)				
13	Exhibit No. 2	52	60		
14	(Map)				
15	For the Defendant:				
16	None				

SECOND SAMPLE TABLE OF CONTENTS PAGE

### III. *Voir Dire.*

#### A. Transcribed Jury *Voir Dire.*

1	THE COURT: Members of the jury panel, whether in the jury box or not, I
2	am going to address some questions to all prospective jurors. We are calling
3	for trial the case of the State of Maryland v. I. M. Wilson. Mr. Wilson has
4	been indicted for first degree murder.
5	Mr. Wilson, will you stand so that the prospective jurors can see you.
6	Stand, please, and turn so the prospective jurors may see you.
7	Are any of you related by blood or marriage to the Defendant? If so,
8	please stand.

If no jurors rise, use the following parenthetical: (No response.) If one or more prospective jurors stand, use the colloquy format. Only identify jurors by their number rather than name. Use "JUROR #" or other designation appropriate for your court.

1	THE COURT: The Court recognizes the man in the front row. Your name,
2	please?
3	JUROR #: <<Juror's # >>
4	THE COURT: And what is your answer?
5	JUROR #: Mr. Wilson is my cousin.

On questions of a more personal nature, such as whether a juror has a family member who has been a victim of a crime or convicted of a crime, a court may ask a juror who stands to come to the bench for further questioning out of the public's hearing.

1 THE COURT: Everyone who answered yes, form a line to the left of the  
2 bench, please.

3 (Counsel, Defendant(s), and Prospective Juror approached bench and the  
4 following occurred:)

5 THE COURT: Give us your name, sir.

6 JUROR #: <<Juror's # >>

7 THE COURT: You have a close relative who has been convicted of a  
8 crime?

9 JUROR #: Yes, sir. My child is doing time for armed robbery.

10 THE COURT: Were you present at the trial?

11 JUROR #: Yes, I was.

12 THE COURT: Did you feel that the trial was fair?

13 JUROR #: Oh, yes.

14 THE COURT: Any questions, Counsel?

15 MR. SMITH: I have none.

16 MS. JONES: No, Your Honor.

17 THE COURT: <<Juror's # >> do you feel that your child's conviction  
18 would keep you from rendering in this case a fair and impartial verdict based  
19 solely on the testimony and evidence?

20 JUROR #: No, Judge.

21 THE COURT: You may take your seat.

22 The next juror, please.

When all prospective jurors waiting to approach the bench have been examined enter:

1 || (Counsel and Defendant(s) returned to trial tables, and the following  
 2 || occurred in open court:)

B. Untranscribed Jury *Voir Dire*.

1. Criminal Proceeding.

There are few instances – particularly in criminal cases – when the parties should agree that any part of the jury selection or impaneling not be transcribed. If, however, it is reported but the parties to a criminal case agree that the *voir dire* examination not be transcribed, use a parenthetical expression such as:

1 || (Having been examined on voir dire, the Defendant(s) being present at all  
 2 || bench conferences during which jurors were examined, or having waived  
 3 || <<his/her>> presence, counsel exercised the right of peremptory challenge,  
 4 || and the following jurors were impaneled: <<Jurors' #s >>

You must note each Defendant who is not present or waives the right to be present at a bench conference.

2. Civil Proceeding.

For *voir dire* examination not being transcribed in a civil case, use a parenthetical expression such as:

1 || (The prospective jury panel was sworn and examined on voir dire, counsel  
 2 || exercised strikes, and the following jurors were impaneled: <<juror numbers>>  
 3 ||

#### IV. Opening Statements.

1 THE COURT: Mr. Smith, state your case to the jury.  
 2 MR. SMITH: May it please the Court and members of the jury, my  
 3 name is David Smith. I am an Assistant State's Attorney, and I will be  
 4 prosecuting this case.  
 5 I would like to begin by reading the indictment in this case, since it is this  
 6 indictment that is the formal charge against the Defendant.

1 (At (time), off record opening statement by Mr. Smith on behalf of  
 2 <<State/Plaintiff>>.)  
 3 (At (time), off record opening statement by Ms. Jones on behalf of  
 4 Defendant.)

If the opening statements are not to be transcribed, use parentheticals such as:

1 (At (time), on the record opening statement by Mr. Smith on behalf of  
 2 <<State/Plaintiff.>>.)  
 3 (At (time), on the record opening statement by Ms. Jones on behalf of  
 4 Defendant.)



B. Adverse Witness.

Examination of an adverse witness is designated in the record as Direct Examination.

1	ANTHONY MILLER
2	a witness, produced on call of the Plaintiff, first having been duly sworn
3	according to law, was examined and testified as follows:
4	DIRECT EXAMINATION
5	BY MR. SMITH:
6	Q. ...
7	A. ...

C. Court's Witness.

The Court may wish to hear from a person not called by either side.

1	STEVEN P. ADAMS
2	a witness, produced on call of the Court, first having been duly sworn
3	according to law, was examined and testified as follows:
4	EXAMINATION
5	BY THE COURT:
6	Q. ...

Counsel may be invited to question the witness when the Court is finished, as to those matters brought out by the Court. If so, indicate by:

1	EXAMINATION
2	BY MR. SMITH:
3	Q. ...
4	A. ...
5	EXAMINATION
6	BY MS. JONES:
7	Q. ...



D. Party-Witness.

When sworn, a party is “THE WITNESS.” When excused, a party reverts to “THE DEFENDANT” or “THE PLAINTIFF.”

1	THE COURT: Does the Defendant wish to call any witnesses?
2	THE DEFENDANT: I wish to testify myself, Your Honor.
3	THE COURT: Raise your right hand to be sworn.
4	I. M. WILSON,
5	the Defendant herein, first having been duly sworn according to law, was
6	examined and testified as follows:
7	DIRECT EXAMINATION
8	THE WITNESS: I just want to say to everyone here that what all these
9	witnesses have been saying just ain't true. It wasn't me. I don't know nothing
10	about a robbery. It's all just a mistake. That's all I have to say.
11	CROSS-EXAMINATION
12	BY MR. SMITH:
13	Q. ...

E. Rebuttal and Surrebuttal Witnesses.

1. Rebuttal – Not Previously Sworn.

1	ABRAHAM CROSS
2	a witness, produced on call of the Plaintiff, in rebuttal, first having been duly
3	sworn according to law, was examined and testified as follows:

2. Rebuttal – Previously Sworn.

1	ABRAHAM CROSS,
2	a witness, produced on call of the Plaintiff, in rebuttal, previously having been
3	duly sworn according to law, was examined and testified as follows:

3. Surrebuttal – Not Previously Sworn.

1	JONATHAN U. HIMES,
2	a witness, produced on call of the Defendant, in surrebuttal, first having been
3	duly sworn according to law, was examined and testified as follows:

4. Surrebuttal – Previously Sworn.

1	JONATHAN U. HIMES,
2	a witness, produced on call of the Defendant, in surrebuttal, previously having
3	been duly sworn according to law, was examined and testified as follows:

F. Recalled Witness.

1	MR. SMITH: We would like to recall Mr. Spear for some questions,
2	Your Honor.
3	THE COURT: Mr. Spear, you're still under oath.
4	MR. SPEAR: Yes, sir.
5	JOHN SPEAR
6	a witness, produced on call of the Plaintiff, previously having been duly sworn
7	according to law, was examined and testified as follows:
8	DIRECT EXAMINATION
9	BY MR. SMITH:
10	Q. You previously testified...
11	A. ...

G. Non-Verbal Responses.

An official reporter may ask for an audible response, in accordance with the Court’s protocol, which should be established before the proceeding begins. A reporter/ transcriptionist may describe a non-verbal response in an appropriate instance with a parenthetical such as:

1	Q. Did you see anyone?
2	A. (No audible response.) <b>OR</b> (Witness shaking head side to side.) <b>OR</b>
3	(Witness nodding head up and down.)
4	Q. And how far were you from the impact?
5	A. I went from here to here, and they were there (indicating).
6	Q. Can you point to the Defendant, please?
7	A. (Indicating.)

1. Interpreter's Oath.

An interpreter is sworn to interpret faithfully and accurately, and the oath should be set out as follows:

1	STEVEN P. GILL
2	first having been duly sworn to interpret faithfully and accurately the questions
3	propounded to and the answers given by John Spear, the proceedings
4	continued as follows:
5	THE COURT: Swear the witness.
6	JOHN SPEAR,
7	a witness, produced on call of the Defendant, first having been duly sworn
8	according to law, was examined and testified as follows through the interpreter:
9	DIRECT EXAMINATION
10	BY MR. SMITH:
11	Q. What is your occupation?
12	A. Cook.

## 2. Testimony.

If counsel and the interpreter are experienced, questions will be asked and answers will be given in the first person, in which case, the questions and answers will be set out as they would for any other witness. Unfortunately, this will not always be the case. For example, counsel may say, “ask her whom she works for,” or an interpreter will say “she says she works for Mr. Payne.” While this is the incorrect manner of proceeding through an interpreter, a reporter has no control over the matter.

A witness may understand some questions well enough to answer without an interpreter. In that case, put a notation that the answer is in English.

1	BY MR. SMITH:
2	Q. Do you remember what occurred on <<date>>?
3	A. (In English) Yes.
4	Q. Tell The Court what occurred.
5	A. I was in the kitchen preparing dinner ...

## 3. Guilty Plea with Interpreter.

1	MR. JONES: Your Honor, my client wishes to withdraw his plea of not
2	guilty and enter a plea of guilty to the second count of the indictment. We have
3	an interpreter for my client.
4	THE COURT: Madam Clerk, please swear the interpreter.
5	(Steven P. Gill, was duly sworn according to law by the Clerk to interpret
6	for the Defendant. The Defendant was questioned and responded through the
7	interpreter as follows:)
8	THE COURT: Mr. Spear, your attorney has announced to this Court that
9	you desire to enter a plea of guilty to the charge of armed robbery, the second
10	count of the indictment. It is your right to plead guilty to this charge. Before the
11	Court can accept a plea of guilty, however, the Court must find that your plea is
12	made freely and voluntarily. It will, therefore, be necessary, that I ask you certain
13	questions. If you do not understand the questions or the words that I use, you
14	may ask that they be explained. You may consult with your lawyer about any
15	matter during the questioning and if you feel this is necessary, you may ask for
16	the chance to talk with your lawyer privately. Can you hear me distinctly?

1	THE DEFENDANT: Yes.
2	THE COURT: What is your full name?
3	THE DEFENDANT: (In English) John Spear .
4	THE COURT: Are you now under the influence of alcohol, drugs, narcotics
5	or other pills?
6	THE DEFENDANT: No.
7	THE COURT: How old are you?
8	THE DEFENDANT: Twenty-seven.
9	THE COURT: How many years of school have you completed?
10	THE INTERPRETER: Your Honor, the Defendant doesn't understand what
11	I am saying to him.
12	THE COURT: What doesn't the Defendant understand? Does he need to
13	speak with Counsel?
14	****

4. Non-Witness Party.

When an interpreter is sworn for a party who is not testifying, use the following parenthetical:

1	(Steven P. Gill, an interpreter, was sworn by the Clerk.)
---	---

**VI. Reading Back by Official Reporter.**

To indicate an immediate request to read a question or answer, use the following:

1	(Pending question read by Official Reporter.)
2	(Answer read by Official Reporter.)

To indicate a request to read a part further back in the proceeding, use the following:

1	(Official Reporter read as follows:
2	“Question: You say you do not remember that?
3	“Answer: No.
4	“Question: Meaning no, you do not remember, or do you mean that it did
5	not occur?
6	“Answer: To the best of my recollection, it did not occur.
7	MR. JONES: Objection, Your Honor.
8	THE COURT: What is the basis?”)

**VII. Bench Conferences.**

There are various types of bench conferences, both on and off the record.

For conferences during which an official reporter is asked to come to the bench, use one of the following parentheticals and proceed in the colloquy form:

1	(Counsel approached bench, and the following occurred:)
---	---

1	(Counsel and Defendant(s) approached bench, and the following
2	occurred:)

A conference is followed by one of the following parentheticals:

1	(Counsel returned to trial tables, and the following occurred in open court:)
---	---

1	(Counsel and Defendant(s) returned to trial tables, and the following
2	occurred in open court:)

For conferences during which a reporter is not at the bench, use one of the following parentheticals:

1 || (Off record bench conference held with counsel.)

1 || (Off record bench conference held with counsel and Defendant(s).)

**VIII. Proceedings Outside Jury’s Hearing.**

For comfort and convenience, a jury may be asked to go to and remain in the jury room until called, in which case use the following parenthetical:

1 || (Jury excused from courtroom, and the following occurred out of its  
2 || presence:)

**IX. Excerpts of Proceedings.**

When only a portion of a proceeding is transcribed, on both the title page and the first page after table of contents, use the following:

1 || EXCERPT OF PROCEEDINGS

Matters that counsel agree need not be transcribed are to be indicated by a parenthetical such as:

1 || (Testimony of Drs. Fay, Mills, and South omitted from transcript by  
2 || agreement of Counsel.)

**X. Quotations.**

A. Normal Quotation.

1 || MR. SMITH: It’s mandatory. It says, “The Committee shall prescribe  
2 || rules and regulations and other matters.”

## B. Partial Quotation.

1	MR. SMITH: It's mandatory. It says, "... shall prescribe rules and
2	regulations and other matters."

## C. Narrative Material.

1	MR. SMITH: May it please the Court, I wish to read from <u>State vs</u>
2	<u>Conrad</u> , found at 407 Md. 354, and I direct the Court's attention to page
3	373, in support of my position which states as follows:
4	"Even the defendant, who argued that this Court...," meaning the Court of
5	Appeals, "...should adopt a directed verdict standard similar to the one required
6	by Jackson...," being 443 U.S. 307, which "concludes that the trial judge's
7	findings and order were consistent with the standard governing the ordering of
8	new trials. In the defendant's brief, it is argued that 'here, the record shows that
9	the trial judge is passing upon defendant- appellee's motion."
10	THE COURT: I have that case in front of me, and I will read it.

## D. Uncertainty About Quoted Versus Narrative Material.

1	MR. SMITH: May it please the Court, I wish to read from a case in
2	support of my position, which states as follows:
3	"Even the defendant, who argued that this Court, meaning the Court of
4	Appeals, should adopt a directed verdict standard similar to one required by
5	<u>Jackson</u> , being 443 U.S. 307, concludes that the trial judge's findings and order
6	were consistent with the standards governing the ordering of new trials."
7	In the Defendant's brief, it is argued that: "Here, the record shows that the
8	trial judge in passing upon defendant-appellee's motion --"
9	THE COURT: I am very familiar with that case, and I will read it before
10	ruling.



## E. Deposition Read into Record.

When an entire deposition is read into the record, instead of using quotations, set up as follows:

1	(Deposition of Dr. James Fay was read into record as follows:)
2	DIRECT EXAMINATION
3	BY MS. JONES:
4	Q. Witness, will you state your name?
5	A. My name is James Fay.
6	Q. And you are a medical doctor, is that correct? You specialize in internal
7	medicine?
8	A. Yes, that is correct.
9	(Reading of deposition concluded.)

## F. Part of Deposition Read to Witness.

When part of a deposition is read into the record, use quotations as follows:

1	BY MR. SMITH:
2	Q. This appears in the deposition on page 23, line 10, I asked:
3	"Question: Were there energy-absorbing concepts involved or work of the
4	expandable nozzle?
5	"Answer: The work on the expandable nozzle was to work - -
6	"Question: Answer yes or no.
7	"Answer: No."
8	Do you remember giving those answers to the questions, as I just read
9	them?
10	A. It was so long ago that I do not remember, but if it is written there that
11	must have been my answer.
12	Q. Mr. Wilson, the question was asked of you, "Do you recall situation
13	where your - -"
14	MS. JONES: Would you state the page, please?
15	MR. SMITH: Page 2, line 12.
16	BY MR. SMITH:
17	Q. "Question. Do you recall a situation where your son had sprayed some
18	substance in your face?"
19	Do you recall that question?
20	A. No.

**XI. Recess During Proceedings.**

Colloquy usually indicates the length of the recess, so that only a starting time in the parenthetical is necessary:

1 || (At (time), recess in proceeding.)

In a case continued after a luncheon recess, it is customary to make sure everyone else is in place and ready to proceed before bringing the jury into the courtroom.

1 || THE COURT: Bring in the jury, Mr. Bailiff.  
2 || (Jury entered courtroom, and the following occurred in open court:)

If the closing arguments are not to be transcribed, use one of the following parentheticals:

1 || (At (time), on the record closing argument by Mr. Smith on behalf of  
2 || <<State/Plaintiff>>.)

1 || (At (time), on the record closing argument by Ms. Jones on behalf of  
2 || Defendant.)

1 || (At (time), on the record rebuttal argument by Mr. Smith on behalf of  
2 || <<State/Plaintiff>>.)

**XII. Jury Verdict.**

When the jury returns with a verdict, use the following parenthetical:

1 || (At (time), the jury returned to the courtroom, and the following occurred:)

**XIII. Adjournment or Conclusion Of Proceeding.**

When a trial concludes or adjourns, use one of the following:

1 || (At (time), trial concluded.)

1 || (At (time), trial adjourned.)

1 || (At (time), trial adjourned until <<time/date>>.)

When a proceeding, such as a motion hearing or guilty plea, is concluded use one of the following:

1 || (At (time), proceedings concluded.)

1 || (At (time), end of proceedings.)

If a case continued from a previous day, it is customary to make sure everyone else is in place and ready to proceed before bringing the jury into the courtroom.

1 || THE COURT: Bring in the jury, Mr. Bailiff.  
2 || (Jury entered courtroom, and the following occurred:)

**XIV. Transcript Certificate Page****A. Requirement.**

Circuit courts adopted the custom of requiring official reporters to certify to the completeness and accuracy of a transcript, primarily because they were being summoned too frequently in post-conviction and other subsequent proceedings solely to testify that the transcript was their work product and was a complete and accurate transcription. With the addition of the certificate, counsel customarily stipulate that, if called to testify, the official reporter would so testify – thereby calling to the court’s attention the fact that it has before it a certified transcript. This reduces the need for a court to find a substitute while an official reporter responds to a summons.

B. Sample Court Reporter’s Certificate.

1	COURT REPORTER’S CERTIFICATE
2	I hereby certify that I reported verbatim by <<e.g., stenotype>> the
3	proceedings in the matter of <<case name>>, <<case number>>, in the Circuit
4	Court for <<Baltimore City/<<name>> County>>, Maryland, on <<date>>, before
5	the Honorable <<name>>, Judge, <<and Jury>>.
6	I further certify that the proceedings were transcribed by me to the best of
7	my ability in a complete and accurate manner, and page numbers <<number>>
8	through <<number>> constitute the official transcript of the proceedings.
9	In witness whereof, I have affixed my signature this ___day of <<month>>,
10	<<year>>.
11	<<signature>>
12	<<printed or typed name>>
13	Official Court Reporter

C. Sample Transcriber’s Certificate.

1	CERTIFICATE OF TRANSCRIBER
2	I hereby certify that the proceedings in the matter of <<case name>>,
3	<<case no.>>, heard in the Circuit Court for <<Baltimore City/<<name>>
4	County>>, Maryland, on <<date>>, were recorded by means of
5	<<videotape/digital audio>>,
6	I further certify that, to the best of my knowledge and belief, page numbers
7	<<number>> through <<number>> constitute a complete and accurate transcript
8	of the proceedings as transcribed by me.
9	I further certify that I am neither a relative to nor an employee of any
10	attorney or party herein, and that I have no interest in the outcome of this case.
11	In witness whereof, I have affixed my signature this ___day of
12	<<month>>, <<year>>.
13	<<signature>>
14	<<printed or typed name>>
15	Transcriber

D. Sample Transcript Certificate Page Prepared by Another.

1	CERTIFICATE OF TRANSCRIPTION	
2	STATE OF MARYLAND	
3	<<BALTIMORE CITY/<<NAME>> COUNTY>> OF MARYLAND	
4	I hereby certify that this transcript, consisting of <<number>> pages, is a	
5	complete, true, and correct transcript, to the best of my ability, of the proceedings	
6	taken in <<case name>>, <<case number>> by <<name, title, certification	
7	designation of absent reporter>> on <<date for which reporter is responsible>>.	
8	I further certify that <name of absent reporter>> is unavailable to certify	
9	this transcript because the reporter:	
10	G has died.	
11	G resigned.	
12	G was removed from office.	
13	G has left Maryland.	
14	<<date>>	<u>&lt;&lt;signature&gt;&gt;</u>
15		<<printed or typed name>>
16		<<certification designation>>
17		<<business address>>

E. Sample Grand Jury Certificate.

1	REPORTER'S CERTIFICATE
2	I hereby certify that I reported verbatim by <<e.g., stenotype>> the
3	testimony of <<name of witness>> before the Grand Jury, Grand Jury No.
4	<<number>>, in the Circuit Court for <<Baltimore City/<<name>> County>>,
5	Maryland, on <<month/date/year>>.
6	I further certify that, to the best of my knowledge and belief, page numbers
7	one through <<last page number before certificate>> constitute a complete and
8	accurate transcript of the testimony as transcribed by me from my <<e.g.,
9	stenographic notes>>.
10	In Witness Whereof, I have affixed my signature this <<date>> day of
11	<<month>>, <<year>>.
12	
13	_____ <<name>>
14	Official Court Reporter

**XV. Sample Grand Jury Transcript.**

1	SECRET
2	IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>> COUNTY>>,
3	MARYLAND
4	GRAND JURY PROCEEDINGS
5	IN RE:
6	Special Investigation
7	Grand Jury No. 00000
8	OFFICIAL TRANSCRIPT OF PROCEEDINGS
9	Grand Jury Room
10	<<Baltimore City/<<County>> Courthouse
11	<<City>>, Maryland
12	<<Day, Date>>
13	The Grand Inquest for the State of Maryland for the Body of
14	<<Baltimore City/<<Name>> County>>, was convened at <<time>>,
15	<<Foreperson's # >>, presiding.
16	PRESENT:
17	(A quorum of << number>> members of the grand jury were present.)
18	DAVID SMITH, ESQ., Assistant State's Attorney for
19	<<Baltimore City/<<name>> County>>
20	DONALD F. JOHNSON, Court Reporter to the grand jury
21	SECRET

Sample Grand Jury Transcript – Page 1 of 3

1	PROCEEDINGS
2	MR. SMITH: Call Mr. Spear.
3	(Witness entered room.)
4	THE FOREPERSON: Will you raise your right hand and be sworn? You
5	do solemnly promise and declare under the penalties of perjury that the
6	testimony you shall give the grand inquest of the State of Maryland for the Body
7	of <<Baltimore City/<<name>> County>> shall be the truth, the whole truth, and
8	nothing but the truth?
9	MR. SPEAR: I do, so help me God.
10	JOHN SPEAR
11	first having been duly sworn according to law, was examined and testified as
12	follows:
13	EXAMINATION
14	BY MR. SMITH:
15	Q. Mr. Spear, please state your full name for the ladies and gentlemen of
16	the grand jury.
17	A. John Spear.
18	Q. Where do you live?
19	A. Here in <<City>>.
20	THE FOREPERSON: Are you the Spear who operates Spear's Auto
21	Clinic?
22	THE WITNESS: That is correct.
23	A JUROR: That is Spear's Auto Supply, isn't it?

Sample Grand Jury Transcript – Page 2 of 3



1 | Auto Supply. One is operated by my brother.  
2 | BY MR. SMITH:  
3 | Q. Which one do you operate?  
4 | A. Spear's Auto Clinic. My brother Bob operates the Auto Supply.  
5 | Q. On last Monday, (date), did anything unusual happen at your place of  
6 | business?  
7 | A. Yes. We were held up and robbed.  
8 | Q. Was it your money that was taken without your permission?  
9 | A. Yes, it was.  
10 | MR. SMITH: Very well, I have no further questions.  
11 | THE FOREPERSON: Do any of the members of the grand jury have any  
12 | questions?  
13 | A JUROR: How much money did you lose in this robbery?  
14 | THE WITNESS: Two thousand dollars.  
15 | THE FOREPERSON: Thank you for coming, Mr. Spear. You may be  
16 | excused.  
17 | (Witness excused.)

Sample Grand Jury Transcript – Page 3 of 3

XVI. Sample Trial Transcript.

1	IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND
2	STATE OF MARYLAND
3	vs. Criminal Docket
4	I. M. WILSON, No. K03-1234
5	Defendant
6	OFFICIAL TRANSCRIPT OF PROCEEDINGS
7	TRIAL ON THE MERITS
8	VOLUME   OF
9	Baltimore, Maryland
10	Wednesday, February 23, 2005
11	BEFORE:
12	HONORABLE EUSTICE P. PENNY, JUDGE
13	and a Jury:
14	APPEARANCES:
15	For the State of Maryland:
16	DAVID SMITH, ESQUIRE
17	For the Defendant:
18	IRMA JONES, ESQUIRE
19	Transcribed from stenographic notes by:
20	DONALD F. JOHNSON, RPR
21	Official Court Reporter
22	12345 S. Maryland St.
23	Baltimore, MD 21200
24	410-555-0000

Sample Trial Transcript – Page 1 of 25

TABLE OF CONTENTS					
					Page
1					
2					
3	Voir Dire Examination of Jurors				4
4	Opening Statements				
5	By Mr. Smith				7
6	By Ms. Jones				--
7	WITNESSES:	DIRECT:	CROSS:	REDIRECT:	RECROSS:
8	For the State:				
9	Doris E. Gaffney	8	10	--	--
10	Alexander G. Smith	12	15	--	--
11	For the Defendant:				
12	I. M. Wilson	17	18	18	19
13	For the State in rebuttal:				
14	John Spear	19	--	--	--
15	EXHIBITS:	IDENTIFICATION:	EVIDENCE:		
16	For the State:				
17	Exhibit No. 1	13		14	
18	(Photograph)				
19	Exhibit No. 2	13		14	
20	(Photograph)				
21	Exhibit No. 3	13		14	

Sample Trial Transcript – Page 2 of 25

1				
2			continued	
3	(Photograph)			
4	Exhibit No. 4	13		14
5	(Photograph)			
6	Exhibit No. 5	13		14
7	(Photograph)			
8	For the Defendant:			
9	Exhibit No. 1	11		12
10	(Transcript)			
11	Exhibit No. 2	15		15
12	(Statement)			
13	Court's instructions			22
14	Closing Arguments:			
15	By Mr. Smith			23
16	By Ms. Jones			23
17	By Mr. Smith			23
18	Polling of the Jury and/or Verdict			24

Sample Trial Transcript – Page 3 of 25

1	PROCEEDINGS
2	THE COURT: All right. This is case number K03-1234, the State of
3	Maryland versus J. M. Wilson.
4	Are Counsel ready to proceed?
5	MR. SMITH: The State is ready, Your Honor.
6	MS. JONES: The defense is ready, Your Honor.
7	THE COURT: Very good.
8	Madam Clerk, you may swear the jury on its voir dire.
9	THE CLERK: Ladies and gentlemen, please stand and raise your right
10	hands to be sworn. You and each of you solemnly promise and declare you will
11	true answers make to all questions propounded by the Court?
12	JURORS: (Answers in affirmative.)
13	THE COURT: Members of the jury panel whether in the jury box or not,
14	the Court will be asking you questions regarding your qualifications to serve as
15	jurors in this particular case. This part of the case is known as the voir dire
16	examination.
17	A voir dire examination is used to determine if your decision in this case
18	would be in any way influenced by opinions that you now hold or by some
19	personal experience or special knowledge that you may have concerning the
20	subject matter to be tried. The object of the examination is to obtain 12 persons
21	who will try impartially the issues of this case upon the evidence presented in this
22	courtroom without being influenced by any other factors.

Sample Trial Transcript – Page 4 of 25

1	Please understand that this questioning is not for the purpose of prying
2	into your affairs for personal reasons but is only for the purpose of obtaining an
3	impartial jury.
4	Each side has a certain number of peremptory challenges, by which I
5	mean each side can ask that you be excused, usually without giving a reason for
6	doing so. In addition, each side has challenges for cause, which means that
7	each side can ask that you be excused for a specific reason. If you are excused
8	by either side, please do not feel offended or feel that your honesty or integrity is
9	being question. It is not.
10	This case is the State of Maryland versus J. M. Wilson. I will now
11	summarize for you the pertinent portion of the indictment that sets for the
12	charges against the Defendant. Mr. Wilson is charged with robbery with a
13	dangerous weapon.
14	Mr. Wilson, will you stand so that the prospective jurors can see you?
15	Are any of you related by blood or marriage to the Defendant or do you
16	know the Defendant from any business or social relationship? If so, please
17	stand. The Court recognizes the Juror in the front row. Your number, please?
18	THE JUROR: Juror No. 5.
19	THE COURT: In what capacity have you known the Defendant?
20	THE JUROR: Mr. Wilson is my cousin.
21	THE COURT: Would that prevent you from acting with impartiality in this
22	case?
23	THE JUROR: No.

Sample Trial Transcript – Page 5 of 25

1	THE COURT: Thank you. You may take your seat.
2	Counsel for the prosecution is David Smith. Counsel for the Defendant is
3	Irma Jones. Are any of you related by blood or marriage to either attorney,
4	know either attorney from any professional, business, or social relationship, or
5	ever been represented in a legal matter by either attorney?
6	(No response.)
7	(Having been examined on voir dire, the Defendant being present at all
8	bench conferences during which jurors were examined, or having waived his
9	presence, Counsel exercised the right of peremptory challenge, and the
10	following jurors were impaneled: Juror No. 1; Juror No. 8; Juror No. 15; Juror
11	No. 25; Juror No. 26; Juror No. 27; Juror No. 30; Juror No. 32; Juror No. 34;
12	Juror No. 36; Juror No. 40; Juror No. 41.)
13	THE COURT: Counsel, will you advise the Court if you are satisfied with
14	the jury currently seated in the jury box?
15	MR. SMITH: The State is satisfied.
16	MS JONES: The defense is satisfied, Your Honor.
17	THE COURT: Very good. You may swear the jury.
18	THE CLERK: Ladies and gentlemen of the jury, please stand and raise
19	your right hands to be sworn.
20	You and each of you solemnly promise and declare you shall well and truly
21	try and a true deliverance make between the State of Maryland and I. M.
22	Wilson, whom you shall have in charge, and a true verdict give according to
23	the evidence?

Sample Trial Transcript – Page 6 of 25

1	JURORS: (Answers in affirmative.)
2	THE CLERK: Please be seated in answer to your number.
3	Mr. Sheriff, will you please count them?
4	Juror No. 1
5	THE JUROR: Here.
6	DEPUTY SHERIFF: One.
7	THE CLERK: Juror No. 8.
8	THE JUROR: Here.
9	DEPUTY SHERIFF: Two.
10	****
11	THE CLERK: Ladies and gentlemen, look upon the Defendant and
12	hearken to this charge, you shall understand that I. M. Wilson stands charged
13	by the State's Attorney on a charging document for robbery with a dangerous
14	weapon. Upon this charging document, the Defendant has pleaded not guilty
15	and for his trial has put himself upon his country, which country you are, so that
16	your duty is to inquire whether he be guilty of the matter whereof he stands
17	charged or not guilty.
18	The jury is all sworn.
19	THE COURT: Thank you.
20	Mr. Smith, state your case to the jury.
21	MR. SMITH: May it please the Court and members of the jury, my
22	name is David Smith. I am an Assistant State's Attorney, and I will be
23	prosecuting this case.

Sample Trial Transcript – Page 7 of 25



1	I would like to begin by reading the indictment, since it is this indictment
2	that is the formal charge against the Defendant. The indictment is headed, "The
3	State of Maryland, City of Baltimore, to wit:"
4	****
5	THE COURT: Do you wish to make an opening statement to the jury at
6	this time, Ms. Jones?
7	MS. JONES: The defense will reserve its opening statement at this
8	time, Your Honor.
9	THE COURT: Very well. Is the State prepared to call its first witness?
10	MR. SMITH: The State calls Doris E. Gaffney, Your Honor.
11	DORIS E. GAFFNEY,
12	a witness, produced on call of the State, first having been duly sworn
13	according to law, was examined and testified as follows:
14	DIRECT EXAMINATION
15	BY MR. SMITH:
16	Q. State your name, please.
17	A. Doris E. Gaffney, 1234 Hightower Court, Apartment 202, Baltimore,
18	Maryland.
19	Q. What do you do to make your living, Ms. Gaffney?
20	A. I am an official court reporter for the Circuit Court of Baltimore City.
21	Q. Calling your attention to December 2, 2002, would you tell the Court and
22	jury, please, if you were present in the courthouse on that day, and if so, what
23	you were doing at or about four o'clock on that day?

Sample Trial Transcript – Page 8 of 25

1	MS. JONES: Objection.
2	THE COURT: Counsel, approach the bench.
3	(Counsel and Defendant approached bench, and the following occurred:)
4	THE COURT: Basis?
5	MS. JONES: Mr. Smith is leading the witness, Your Honor.
6	THE COURT: Yes. Mr. Smith, you are leading the witness. I will
7	sustain the objection.
8	(Counsel and Defendant returned to trial tables, and the following
9	occurred in open court:)
10	THE COURT: Members of the jury, I have sustained the objection.
11	BY MR. SMITH:
12	Q. Calling your attention to December 2, 2002, at or about four o'clock,
13	would you please tell the Court and the jury where you were?
14	A. I was present in the courthouse. At four o'clock on that day, the Court
15	had just adjourned, and I was in my office working on a transcript that was due in
16	the Court of Appeals within a couple of days, which would have necessitated my
17	staying late that night. Then, without any warning, the door to my office burst
18	open and a man carrying what appeared to be a gun ran into the room slamming
19	the door behind him. He said, stay where you are and you won't - -
20	MS. JONES: I object and move that the part of the answer referring to
21	what he said be stricken.

Sample Trial Transcript – Page 9 of 25

1	THE COURT: The objection will be sustained, and that part of the answer
2	as to what that person said to her will be stricken, and the jury will be instructed
3	to disregard it.
4	BY MR. SMITH:
5	Q. Just tell us what you did and what he did, Ms. Gaffney.
6	A. Well, he came about that far into the room and pointed the gun at me
7	and warned me to stay where I was.
8	MR. SMITH: No further questions, Your Honor.
9	THE COURT: Let's take a ten-minute recess.
10	(At 10:30 a.m., recess in proceeding.)
11	(Jury not present on reconvening.)
12	THE COURT: Before we begin, Mr. Smith, how many more witnesses
13	will you be calling?
14	MR. SMITH: One more, Your Honor.
15	THE COURT: Thank you. Bring the jury in, Mr. Bailiff.
16	(At 10:32 a.m., jury entered courtroom, and the following occurred in open
17	court:)
18	CROSS-EXAMINATION
19	BY MS. JONES:
20	Q. Ms. Gaffney, do you remember being in the District Court at the time this
21	case came in for preliminary hearing and testifying before the Court there?
22	A. Yes, I do.

Sample Trial Transcript – Page 10 of 25

1	MS. JONES: Please mark this for identification.
2	THE CLERK: Defendant's Exhibit Number 1.
3	(Transcript marked as Defendant's
4	Exhibit No. 1 for identification.)
5	BY MS. JONES:
6	Q. And at that time, on December 17, 2002, were these questions asked
7	and did you give these answers:
8	"Question: Tell us what you were doing and where you were at that
9	time, please.
10	"Answer: I had just come from the courtroom and the judge had
11	suggested to me --
12	"Question: Just tell us what you did and where you were, not what the
13	judge suggested.
14	"Answer: I was sitting at my computer working on a transcript, and the
15	door burst open and two men slipped into the room and warned me to
16	keep quiet and I wouldn't get hurt."
17	Do you remember those questions being asked of you at that time, and
18	did you not give those answers in the District Court at that time when the State's
19	Attorney was examining you?
20	A. Yes, I do, but - -
21	Q. You have answered the question.
22	MS. JONES: Your Honor, I offer this into evidence.
23	MR. SMITH: I object.

Sample Trial Transcript – Page 11 of 25

1 THE COURT: Approach the bench.  
 2 (Counsel and Defendant approached bench, and the following occurred:)  
 3 THE COURT: What is the basis for your objection?  
 4 MR. SMITH: Ms. Jones has already read the pertinent portions. The  
 5 rest of the transcript is irrelevant.  
 6 THE COURT: Objection overruled.  
 7 (Counsel and Defendant returned to trial tables, and the following  
 8 occurred in open court:)  
 9 THE COURT: Ladies and gentlemen, Defendant's Exhibit No. 1 will  
 10 received into evidence.  
 11 (Transcript marked as Defendant's Exhibit  
 12 No. 1 into evidence.)  
 13 BY MS. JONES:  
 14 Q. When did the Court adjourn for the day that day?  
 15 A. Four o'clock p.m.  
 16 MS. JONES: No further questions.  
 17 MR. SMITH: I have no further questions.  
 18 I now call Officer Smith.  
 19 ALEXANDER G. SMITH,  
 20 a witness, produced on call of the State, first having been duly sworn  
 21 according to law, was examined and testified as follows:  
 22 DIRECT EXAMINATION  
 23 BY MR. SMITH:

Sample Trial Transcript – Page 12 of 25

1	Q. State your name and organization.
2	A. Officer Alexander G. Smith, Baltimore City Police Department, Evidence
3	Control Unit.
4	MR. SMITH: Your Honor, I have five photographs I would like to enter
5	for identification. Defense counsel has already seen these.
6	(Photographs marked as State's Exhibit
7	Nos. 1 through 5 for identification.)
8	BY MR. SMITH:
9	Q. Officer Smith, I hand you State's Exhibit Nos. 1 through 5, and ask if you
10	can identify those?
11	MS. JONES: If Your Honor please, I think this gets into a question that
12	should be held out of the hearing of the jury.
13	THE COURT: Very well. Ladies and gentlemen of the jury, the Court is
14	required to make a preliminary inquiry at this time, and you are therefore
15	requested to go to the jury room for a brief period.
16	(At 10:45 a.m., jury excused from courtroom, and the following occurred
17	out of its presence:)
18	THE COURT: All right. Mr. Smith, you may continue.
19	BY MR. SMITH:
20	Q. I will ask you again, Officer Smith, can you identify these five
21	photographs?
22	A. Yes, sir, I can.
23	Q. What are they?

Sample Trial Transcript – Page 13 of 25

1	A. They are photographs of the Defendant and four other individuals that
2	were presented to Ms. Gaffney to ascertain whether she could identify the
3	Defendant.
4	MR. SMITH: If Your Honor, please, I think we can go forward in the
5	presence of the jury at this time.
6	THE COURT: Very well. Return the jury, Mr. Bailiff.
7	(At 10:47 a.m., jury returned to courtroom, and the following occurred in
8	open court:)
9	THE COURT: You may continue, Mr. Smith.
10	BY MR. SMITH
11	Q. Officer Smith, I believe the last question I asked you before the jury
12	retired from the room was whether or not you could identify State's Exhibit Nos. 1
13	through 5. Will you do so at this time?
14	A. Yes. They are photographs of the Defendant and four other individuals.
15	They were shown to Ms. Gaffney to see if she could make an identification.
16	MR. SMITH: I offer State's Exhibit Nos. 1 through 5 into evidence at this
17	time.
18	MS. JONES: No objection.
19	THE COURT: They will be received into evidence.
20	(Photographs marked as State's Exhibit
21	Nos. 1 through 5 into evidence.)
22	BY MR. SMITH:
23	Q. Was she able to make an identification, Officer?

Sample Trial Transcript – Page 14 of 25

1 A. Yes, sir.

2 MR. SMITH: I have no further questions. Witness with you.

3 CROSS-EXAMINATION

4 BY MS. JONES:

5 Q. Officer Smith, when did you make the arrest of the Defendant?

6 A. The same day as the occurrence.

7 Q. Did he give you a statement the same day as the arrest?

8 A. Yes, sir, about four hours later.

9 Q. Do you have a copy of that statement, Officer?

10 A. Yes, sir, I do.

11 MS. JONES: I would ask that this be marked for identification and offer it

12 into evidence.

13 MR. SMITH: No objection.

14 (Statement marked as Defendant's

15 Exhibit No. 2 into evidence.)

16 BY MS. JONES:

17 Q. Would you read this statement to the jury, Officer?

18 A. Yes, sir. It reads:

19 "I have never seen or met Ms. Gaffney in my life and if she insists --"

20 There is a portion here that is not very legible because I can't make out

21 the Defendant's handwriting, but I will do the best I can.

22 "-- if she insists on saying I was in her office that night, all I can say is

23 that it was not me, and the first thing I knew about anything was when the officer



1 stopped me in the corridor to get the handcuffs on me." That is the end of the  
2 narrative portion of the statement. And that is signed by the Defendant and  
3 witnessed by myself and the detective who investigated the case.

4 MS. JONES: That is all I have.

5 MR. SMITH: No further questions.

6 THE COURT: I think this would be a convenient point to take a luncheon  
7 recess. Ladies and gentlemen of the jury, you are excused until 1:30 p.m.

8 (At 12:30 p.m., luncheon recess in proceeding.)

9 (Jury not present on reconvening.)

10 THE COURT: Before the jury comes in, does the Defendant intend to take  
11 the witness stand?

12 MS. JONES: Yes, indeed, Your Honor.

13 MR. SMITH: Excuse me, Your Honor. I said that I would only have one  
14 more witness after Ms. Gaffney, but it seems I do have one other one. If it is all  
15 right with the Court, I would like to recall Ms. Gaffney to the stand for one or two  
16 brief questions.

17 THE COURT: All right, Mr. Smith. Bring the jury in.

18 (At 1:35 p.m., jury returned to courtroom and the following occurred in  
19 open court:)

20 MR. SMITH: Your Honor, we would recall Ms. Gaffney.

21 DORIS E. GAFFNEY,

22 a witness, produced on call of the State, previously having been duly sworn  
23 according to law, was examined and testified as follows:

Sample Trial Transcript – Page 16 of 25

1 THE CLERK: I remind you that you are still under oath.  
2 THE WITNESS: I understand.  
3 REDIRECT EXAMINATION  
4 BY MR. SMITH:  
5 Q. Ms. Gaffney, I would like to show you some photographs, State's Exhibit  
6 Nos. 1 through 5. Have you ever seen these same photographs before today?  
7 A. Yes. The detective showed them to me so I could pick out the men that  
8 ran into my office.  
9 Q. On that occasion, did you pick out the men?  
10 A. Yes.  
11 Q. Is one of them Mr. Wilson, the Defendant today?  
12 A. Yes.  
13 MR. SMITH: I have no further questions of this witness at this time.  
14 MS. JONES: I have no questions of Ms. Gaffney.  
15 THE COURT: Thank you, Ms. Gaffney.  
16 MR. SMITH: Your Honor, the State rests.  
17 THE COURT: Ms. Jones, call your first witness.  
18 I. M. WILSON,  
19 the Defendant herein, first having been duly sworn according to law, was  
20 examined and testified as follows:  
21 DIRECT EXAMINATION

1	BY MS. JONES:
2	Q. State your name and address.
3	A. I. M. Wilson, 4467 Guilty Street, Baltimore, Maryland.
4	Q. Did you illegally enter the office of Ms. Doris Gaffney on the 2nd of
5	December, 2002, and make an assault on her by pointing a gun at her?
6	A. No, sir.
7	MS. JONES: I have no other questions at this time.
8	CROSS-EXAMINATION
9	BY MR. SMITH:
10	Q. Mr. Wilson, are you saying that Ms. Gaffney picked the wrong picture
11	from the photos that she was shown?
12	A. Yes, sir.
13	Q. Have you ever seen her before today?
14	A. No, sir. I am completely innocent of any wrongdoing in this case, and all
15	I can say is that it is a case of mistaken identity. I have never seen Ms. Gaffney
16	before in my life prior to stepping into this courtroom.
17	MR. SMITH: That's all.
18	MS. JONES: I have some redirect, Your Honor.
19	REDIRECT EXAMINATION
20	BY MS. JONES:
21	Q. If Ms. Gaffney says that you are one of the men that assaulted her, she
22	is lying?
23	A. No, sir, I don't believe she is lying. I believe it is a case of mistaken

1 identity.

2 MS. JONES: Nothing further.

3 RECCROSS-EXAMINATION

4 BY MR. SMITH:

5 Q. If you were not at the Courthouse on the 2<sup>nd</sup>, can you tell us where you

6 say you were?

7 A. I was home with my mother.

8 MR. SMITH: Nothing further.

9 MS. JONES: The defense rests.

10 THE COURT: Is there any rebuttal?

11 MR. SMITH: Yes, sir. We would call Mr. John Spear. The witness

12 will need an interpreter, so we would call Steven P. Ames for that purpose.

13 \*\*\*\*

14 STEVEN P. AMES,

15 first having been duly sworn to interpret faithfully and accurately the

16 questions propounded to and the answers given by John Spear, the

17 proceedings continued as follows:

18 THE COURT: Swear the witness.

19 DON COOLEY

20 a witness, produced on call of the State in rebuttal, first having been duly

21 sworn according to law, was examined and testified as follows through the

22 interpreter:

23 DIRECT EXAMINATION

Sample Trial Transcript – Page 19 of 25

1 BY MR. SMITH:  
2 Q. What is your name?  
3 A. Don Cooley.  
4 Q. Where do you work?  
5 A. I work for Baltimore City in the Courthouse.  
6 Q. What type of work do you do?  
7 A. I work as a cook in the cafeteria.  
8 Q. Do you know Ms. Gaffney?  
9 A. (In English) Yes.  
10 Q. On the evening of December 2, 2002, did you see two men run down  
11 the hall in the Courthouse on the second floor?  
12 A. Yes.  
13 Q. Do you see one of those men in the courtroom today?  
14 A. Yes, sir.  
15 Q. Point to him.  
16 A. (Indicating.)  
17 MR. SMITH: For the record, Your Honor, the witness is pointing to the  
18 Defendant.  
19 THE COURT: The record will so indicate.  
20 BY MR. SMITH:  
21 Q. Can you positively say that is one of the men you saw that night?  
22 A. (In English) Yes.  
23 MR. SMITH: No further questions, Your Honor.

Sample Trial Transcript – Page 20 of 25

1	MS. JONES: No questions of this witness.
2	THE COURT: That is all the rebuttal the State has.
3	THE COURT: Any surrebuttal, Ms. Jones?
4	MS. JONES: No surrebuttal, Your Honor.
5	THE COURT: Very well. Counsel, will you approach the bench. We do
6	not need the reporter.
7	(Off record bench conference with counsel.)
8	(Counsel returned to trial tables, and the followed occurred in open court:)
9	THE COURT: Counsel, before I give my instructions, is there anything
10	further?
11	MR. SMITH: No, sir.
12	MS. JONES: No, sir.
13	THE COURT: Members of the jury, the time has come for me to explain to
14	you the law that applies in this case. These instructions are binding upon you.
15	Will Counsel and the Defendant approach the bench?
16	(Counsel and Defendant approached bench, and the following occurred:)
17	THE COURT: The Court now invites Counsel to note any objections they
18	may have to any portion of the Court's instructions or any exceptions to the
19	Court's failure to give an instruction that you may feel should have been given.
20	MR. SMITH: No objections or exceptions.
21	MS. JONES: The Defendant notes an objection and takes exception to
22	the Court's instruction on burden of proof. We feel that the manner in which it

Sample Trial Transcript – Page 21 of 25

1	was given does not conform to the customary instruction, and we take exception
2	to it.
3	THE COURT: Your objection is noted. Is there anything further?
4	MR. SMITH: No, sir.
5	MS. JONES: We have nothing further.
6	(Counsel and Defendant returned to trial tables, and the following
7	occurred in open court:)
8	****
9	THE COURT: Very well. Mr. Smith, you may proceed with your
10	argument to the jury.
11	MR. SMITH: Madam Foreperson, ladies and gentlemen of the jury, I will
12	be brief in my closing statement. After hearing the testimony of the witnesses
13	there should be no doubt in your minds that on December 2, 2002, Mr. I. M.
14	Wilson did, in fact, unlawfully enter the office of Ms. Gaffney, did point a gun at
15	her and did, in fact, rob her. All of the evidence in this case points to that
16	conclusion. I ask that you bring back a verdict of guilty. Thank you.
17	THE COURT: All right. Ms. Jones.
18	MS. JONES: Madam Foreperson, ladies and gentlemen of the jury, if
19	only everything were as crystal clear as Mr. Smith would have you believe.
20	You have seen the evidence, heard the witnesses, and the determination of their
21	believability is in your hands. Now, if you believe Ms. Gaffney when she said it
22	was the Defendant who came into her office and pointed a gun at her -- and

Sample Trial Transcript – Page 22 of 25

1 | certainly I don't believe her when she said - -

2 | MR. SMITH: I object and ask to approach the bench.

3 | THE COURT: That will not be necessary. Ladies and gentlemen of the  
4 | jury, you are instructed to disregard what Ms. Jones believes. You are the  
5 | judges of the facts in this case, and it is what you believe that counts, not what  
6 | Ms. Jones believes.

7 | MS. JONES: Ladies and gentlemen, I think you will find that Ms.  
8 | Gaffney was mistaken in identifying the Defendant as her assailant. I think you  
9 | will conclude that my client, I. M. Wilson, is innocent. And I trust that you bring  
10 | back a verdict accordingly. I thank you for your attention in this case.

11 | THE COURT: Mr. Smith, do you have rebuttal argument?

12 | MR. SMITH: Thank you.

13 | Members of the jury, you have heard the witnesses and seen the  
14 | evidence. I am confident that you will reach the guilty verdict.

15 | THE COURT: Madam Clerk, swear the bailiff.

16 | (At 4:40 p.m., bailiff sworn.)

17 | THE COURT: Very well. Madam Foreman, and ladies and gentlemen of  
18 | the jury, you now may retire to the jury room to deliberate on your verdict.

19 | (At 4:45 p.m, jury retired to jury room to begin deliberations.)

20 | (At 5:00 p.m., jury returned to courtroom with verdict.)

21 | THE COURT: All right. Madam Clerk, call to the jury and take its verdict.

22 | THE CLERK: Ladies and gentlemen of the jury, have you agreed upon a

Sample Trial Transcript – Page 23 of 25



1	verdict?
2	JURORS: We have.
3	THE CLERK: Who shall say for you?
4	JURORS: Our foreperson.
5	THE CLERK: What say you, is I. M. Wilson guilty or not guilty of robbery
6	with a dangerous weapon?
7	JURY FOREPERSON: Guilty.
8	THE CLERK: Hearken to your verdict as the Court has recorded it, your
9	foreperson say that I. M. Wilson is guilty of robbery with a dangerous weapon,
10	and so you say all?
11	JURORS: All.
12	THE COURT: All right. I want to commend the jury. It has not been a
13	very long one, but I do thank you for your attentiveness and the excellent manner
14	in which you have conducted yourselves throughout the entire trial.
15	Thank you very much. You may be excused. Court stands adjourned.
16	(At 6:15 p.m., proceeding concluded.)

Sample Trial Transcript – Page 24 of 25

1	COURT REPORTER'S CERTIFICATE
2	I hereby certify that I reported verbatim by stenotype the proceedings
3	in the matter of the State of Maryland vs. I. M. Wilson, K03-1234, in the
4	Circuit Court for Baltimore City, Maryland, on February 23, 2005, before the
5	Honorable Eustice P. Penny and a Jury.
6	I further certify that the proceedings were transcribed by me to the best
7	of my ability in a complete and accurate manner, and page numbers 1
8	through 10 constitute the official transcript of the proceedings.
9	In witness whereof, I have affixed my signature this ___ day of
10	<<month>>, <<year>>.
11	<<signature>>
12	Donald F. Johnson, RPR
13	Official Court Reporter

Sample Trial Transcript – Page 25 of 25

**XVII. Sample Notice of Sealed Transcript.**

If a court orders a transcript, or a portion of it, to be sealed, a notice such as the following should be filed with the clerk:

IN THE CIRCUIT COURT FOR <<BALTIMORE CITY/<<NAME>>COUNTY>>, MARYLAND NOTICE OF SEALED TRANSCRIPT	
DATE:	<<date>>
TO:	<<Appeals Clerk>>
FROM:	<<Name of Reporter or Transcriber>> <<Address>>
RE:	<<Case name>>, <<Case number>> <<Hearing or Trial Date(s) of Transcript(s)>>
As requested in the Transcript Order for Appeal in the above-named case, a transcript(s) is being filed for transmittal to the Court of Special Appeals.	
Pursuant to order of Judge <<Name>>, of the Circuit Court for <<Baltimore City/<<Name>> County>>, page numbers ( ) through ( ) of (date) have been sealed. In addition to the original, copies of that portion of the transcript are enclosed for counsel should the Court so order.	
cc:	<<Counsel>>

## 7 Audio Requests

### ***Access to Audio Recordings***

Electronic Audio Recording of circuit court proceedings, as per [MD Rule §16-504\(h\)](#), shall be provided to all authorized parties upon written request and payment of reasonable costs to make the copy.

### ***Access to Audio/Video Recordings***

If a jurisdiction records video within the courtroom along with the audio of court proceedings, there are limitations on who and how they may access the audio-video recording.

Access to the audio-video is permitted in two ways:

1. Right to Listen and View Audio-Video Recording – [MD Rule §16-504\(i\)](#). Generally, unless a court proceeding is closed to the public, any person may make a written request to listen and view the audio-video recording. The court shall designate the time and place to allow this access.
2. Right to Obtain Copy of Audio-Video Recording – [MD Rule §16-504\(j\)](#). Access to a copy of the audio-video recording is very limited. Only those individuals identified in the Rule are permitted to receive a copy.

### ***Audio and Audio-Video Distribution Format***

Public Access Format Standards: Windows Media Audio (WMA) should be the digital audio file standard for public access. Windows Media Video (WMV) should be the standard for video. If notes are provided, it is recommended that they should be embedded in the accompanying PDF/A-2 document.

Media for the Record: The system should support any digital media, as court requirements vary. DVD/CD usage is somewhat problematic as these media are prone to physical issues – scratches. Therefore, courts should also consider the use of solid state drives including USB “thumb drives” as storage and distribution media. Another option is to provide controlled online streaming of the digital file as access can be controlled by time and user identification. This option also allows the court to immediately remove or revoke access to the file if needed.

### ***Audio Request Form***

While the process may vary slightly in each jurisdiction, all jurisdictions shall have a custodian of record, who will assist with audio requests. A request form shall be available to the public, online or per request. The sample form which follows is an approved template for this purpose.

### ***District Court Audio Requests***

As a unified statewide court, the District Court process is the same in all jurisdictions. In order to request an audio recording, the [DCA27](#) form must be completed. The District Court will make the recording available to the requestor in either electronic or CD format at the requestor’s discretion.

**CIRCUIT COURT FOR (COUNTY/CITY), MARYLAND  
COURT REPORTING SERVICES**

**PHONE:** \_\_\_\_\_; **FAX:** \_\_\_\_\_

**REQUEST FOR COPY OF AUDIO RECORDING**

**Date:** \_\_\_\_\_

**To:** (Name/Court Reporting Coordinator)  
Circuit Court for (County/City)  
Address  
Address

**CASE NUMBER:** \_\_\_\_\_ **CASE NAME:** \_\_\_\_\_  
(Only One Case Number Per Form)

<b>DATE(S) OF PROCEEDINGS:</b>	<b>JUDGE/MAGISTRATE:</b>
_____	_____
_____	_____
_____	_____

**REQUESTED BY:** \_\_\_\_\_

<b>ADDRESS:</b>	<b>CONTACT INFORMATION:</b>
_____	PHONE: _____
_____	FAX: _____
_____	EMAIL: _____

*Are you a party or an attorney representing a party in this case?* YES: \_\_\_\_\_ NO: \_\_\_\_\_

Except for proceedings closed pursuant to law, as otherwise provided by rule, or as ordered by the court, Maryland Rule 16-504 provides in part that upon written request and the payment of reasonable costs, the authorized custodian of an official recording shall make a copy of the audio recording available to any person.

**SIGNATURE OF THE REQUESTOR:** \_\_\_\_\_

**Note** Only transcripts prepared and certified by the court’s approved transcriptionists are deemed official and can be admitted as evidence. Audio records are \$ \_\_\_\_\_ per hearing date. **Payment in full must be received before your order is processed. We accept \_\_\_\_\_ made payable to \_\_\_\_\_ . We cannot accept \_\_\_\_\_ .** Completed orders left in this office longer than 30 days will be destroyed and your payment will be forfeited.

<b>FOR OFFICE USE ONLY</b>		
DATE ESTIMATE PROVIDED _____	DATE PRODUCED _____	INITIALS OF EMPLOYEE _____
DATE PICKED UP _____	NAME OF INDIVIDUAL _____	

## 8 Maryland Laws and Reference

### Section 1 -

- No reference

### Section 2 -

- [Maryland Rule 16-505](#)
- [Maryland Rule 8-411](#)
- [Maryland Rule 7-102](#)

### Section 3 -

- No reference

### Section 4 -

- [Courts & Judicial Proceedings 2-501](#)
- [Maryland Rule 16-505](#)
- [Title 18 of the Maryland Rules](#)

### Section 5 -

- [Maryland Rule 2-415](#)
- [Maryland Rule 2-416](#)

### Section 6 -

- [Miller –El v. Cockrell, 537 U.S. 322 \(2003\)](#)
- [Wooten-Bey v. State, 318 Md. 301 \(1990\)](#)
- [CJ 3-827](#)
- [CJ 3-8A-27](#)

### Section 7 -

- [Maryland Rule 16-504](#)