

## Criminal Differentiated Case Management (DCM) Plan

The Criminal DCM plan includes the following case types:

ADLT	Adult Contributing to a Minor
APCR	Criminal - Appeal
APMV	Criminal - Appeal - Motor Vehicle
CRNS	Criminal Non-Support
CR	Criminal
IF	Criminal Information
IN	Criminal Indictment
JC	Criminal JTP (Jury Trial Prayer)
JM	Criminal - JTP - Motor Vehicle
JVAD	Juvenile Adult Failure to Send
VOPA	Criminal - VOP Appeal
VOPAM	Criminal - VOP Appeal - Motor Vehicle

Differentiated Case Management (DCM) is a concept designed to improve the efficiency of case processing and reduce the demand for judicial intervention at every phase of litigation. DCM achieves these goals by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is then assigned to the appropriate case track established within the court system that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays.

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

### Statement of Purpose

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket.

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that all criminal cases, jury and non-jury, be concluded within 180 days of the date of first appearance of the defendant or his/her counsel, whichever is earlier. To achieve this goal, the Circuit Court is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 180 days.

### **Case Management**

The County Administrative Judge supervises all aspects of criminal case management and is ultimately responsible for the implementation of this Criminal Case Management Plan, pursuant to Md. Rule 16-302(b). The County Administrative Judge designates certain judges to hear the various criminal matters and makes final decisions about whether and to whom a case should be specially assigned, when necessary.

### **Criminal Tracks**

To ensure that the criminal caseload is resolved with an appropriate level of court resources and in a timely manner, the Criminal DCM Plan for Howard County assigns different case types to three different tracks, as detailed on the following pages. The track assignment is based on information provided by the [Criminal Case Tracking Information Sheet](#) prepared by the State's Attorney's Office (SAO) and filed in the Clerk's Office. In addition, the defendant may complete a [Defendant's Review of Criminal Case Tracking Information Sheet](#) if the Defendant disagrees with the State's Attorney's Office's Track designation and file an appropriate pleading. The Court retains the authority to make scheduling changes within a track, or to change a case's track to accommodate unforeseen complexities or simply to correct the assignment.

Consistent with the case time standards adopted by the Judicial Council, and applicable Maryland Rules, it is the goal of this Plan to ensure that the following time standards are met whenever possible. Expected case duration is based on needed time to reach resolution, which may be less than the time standard.

- ❖ *Criminal Cases* – 98% should be concluded (verdict adjudication) within 180 days of the first appearance of the Defendant, or the entry of appearance by counsel.

The Circuit Court for Howard County, Maryland 5<sup>th</sup> Circuit  
**Criminal Differentiated Case Management Plan**  
**Updated September 2022**

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Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. For criminal case tracks, expected case durations are based on a consensus of needed time to reach verdict/adjudication, which may be less than the time standard. Expected case duration is not a time standard.

**Table 1.1 – Criminal Tracks by Case types/Highest Charge Types and Outcomes**

<i>Track</i>	<i>Case types or Highest Charge Types</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1</b> <b>Jury Trial Prayers,</b> <b>District Court Appeals,</b> <b>and Reopened Cases</b>	1. Misdemeanors 2. Felonies with District Court jurisdiction 3. Administrative Violations of Probation	90 days to verdict/adjudication; track defined at filing.
<b>Track 2</b> <b>Felony Cases</b>	Felony charge(s); qualifying charges to be identified.	120 days to verdict/adjudication; track defined at filing by highest charge. Cases downgraded to a misdemeanor remain Track 2.
<b>Track 3</b> <b>Complex Cases</b>	Homicide, multi-victim, multi-defendant; and other complex cases requiring special assignment.	180 days to verdict/adjudication; custom managed; track defined at filing; or after filing by SAO recommendation or court review.

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**Track 1 – Jury Trial Prayers, District Court Appeals, and Reopened Cases**

<i><b>Court Event</b></i>	<i><b>Timing</b></i>
Case Initiation	Case filing from District Court, State's Attorney or Defendant in Circuit Court
Settlement Conference (including advise to right to counsel)	Set from District Court in JTPs within 30 days of jury prayer to include arraignment.
Discovery	In District Court or no period required
Trial	Within 90 days of initiation
Sentencing (if guilty)	Same day or 30 days after trial typically

**Track 2 – Felony Cases**

<i><b>Court Event</b></i>	<i><b>Timing</b></i>
Case Initiation	Case filing by State's Attorney in Circuit Court
Scheduling Conference	Within 30 days of filing. This will include the Arraignment.
Motions Hearings (Discovery) Complete	30 days prior to trial
Trial	Within 120 days of filing
Sentencing (if guilty)	Same day or 60 days after trial typically

**Track 3 – Complex Cases**

<i><b>Court Event</b></i>	<i><b>Timing</b></i>
Case Initiation	Case filing by State's Attorney in Circuit Court
Arraignment/Initial Appearance	Within 30 days of filing
Scheduling Conference	Within 30 days of filing
Motions Hearings (Discovery) Complete	30 days prior to trial
Trial	Within 180 days of filing
Sentencing (if guilty)	Same day or 60 days after trial typically

## **Track 1 –Jury Trial Prayers, District Court Appeals, and Reopened Cases**

### **Jury Trial Prayers**

All Jury Trial Prayers (JTPs) and written demands for a jury trial, requested in the District Court, will be assigned to Criminal Track 1.

When the District Court acknowledges that the Defendant is entitled to a jury trial, the Administrative Clerk of the District Court shall forward the file to the Clerk of the Circuit Court. If a jury trial is requested orally in the District Court, a settlement conference date is chosen within 30 days from a list of dates provided to the District Court by the Circuit Court Calendar Management Office. A notice is signed by and given to all parties. If a written demand for a jury trial is received in the District Court, the file is forwarded to the Circuit Court Clerk's Office. A settlement conference date will be set within 30 days and notices will be sent to all parties. If the case does not resolve at the settlement conference, dates will be set for motions hearings and trial.

Criminal Track 1 *Jury Trial Prayers* cases have a verdict/adjudication time goal of completion within 90 days.

### **Appeals from District Court**

The Circuit Court Clerk's Office will assign all appeals received from the District Court to Criminal Track 1.

Non-incarcerable traffic appeals will receive a trial date for a bench trial within 30-45 days of filing with the Circuit Court. Incarcerable traffic appeals and criminal appeals will receive a settlement conference/advise to right of counsel hearing date. At the settlement conference for a criminal appeal case, motions and trial dates are selected.

Criminal Track 1 *Appeals from District Court* cases have a verdict/adjudication time goal of completion within 90 days.

### **Re-opened Cases**

Track 1 also includes reopened cases. Most reopened cases are violations of probation (VOP) following a guilty verdict and sentencing. Infrequently, a case may be reopened on a motion for modification of the sentence, request for post-conviction relief, or for an expungement request.

### **Arraignment/Initial Appearance**

Arraignments/Initial Appearances are held as appropriate at the criminal settlement conferences are scheduled by the District Court, to be held in the Circuit Court. Non-incarcerable offenses are scheduled directly for trial. Violations of probation (VOP) are scheduled for arraignment and a VOP hearing; however, upon the entry of appearance of counsel, the arraignment is vacated. VOPs that include new charges shall be reopened cases that will heard under the Track guidelines of the new case and its associated charges.

### **Track 2 – Felony Cases.**

Criminal Track 2 cases are felony cases under the jurisdiction of the Circuit Court. All are initiated in the Circuit Court by the State’s Attorney by Criminal Information or Criminal Indictment.

Criminal Track 2 cases will receive an arraignment/initial appearance date within 30 days of filing with the Circuit Court. At the arraignment/initial appearance or at the entry of appearance of counsel, the court will advise the defendant of their right to counsel, schedule motion dates, trial dates and, upon request, a criminal settlement hearing. If an appearance of counsel is filed before the arraignment/initial appearance, the court will convert the arraignment/initial appearance to a scheduling conference/advise to right of counsel hearing and the abovementioned events will be scheduled. Criminal motions date will be set 30 days prior to trial, and a trial date will be set within 120 days of filing with the Circuit Court.

Criminal Track 2 cases have a verdict/adjudication time goal of completion within 120 days.

### **Track 3 – Complex Felony Cases**

Criminal Track 3 cases may be specially assigned to a judge, upon approval of the County Administrative Judge. Motions and trials will be heard by the specially assigned judge. Other events may be handled by other than the assigned judge.

Criminal Track 3 cases will receive an arraignment/initial appearance date within 30 days of filing with the Circuit Court. At the arraignment/initial appearance or at the entry of appearance of counsel, the court will advise the defendant of their right to counsel, schedule motion dates, trial dates and, upon request, a criminal settlement hearing. If an appearance of counsel is filed before the arraignment/initial appearance, the court will convert the arraignment/initial appearance to a scheduling conference/advise to right of counsel hearing and the above-mentioned events will be scheduled. Criminal motions date will be set within 30 days of trial, and a trial date will be set within 180 days of filing with the Circuit Court.

Criminal Track 3 cases have a verdict/adjudication time goal of completion within 180 days.

### **Arraignment/Initial Appearance**

An Arraignment/Initial Appearance is required in Circuit Court, unless defense counsel enters his or her appearance and the arraignment/initial appearance is converted to a scheduling conference. At the arraignment/initial appearance, the judge will advise the defendant of his or her rights to counsel, pending charges and notify him or her of the availability and/or location of the Public Defender's Office.

### **Motions Hearings**

Motions hearings may be heard in court or, when permitted, decided by a judicial ruling on paper, without a hearing. A response to a motion, if made, must be filed within 15 days after service of the motion. Rulings on motions shall be, where practical, heard before the day of trial.

Subsequent hearing dates, other than the trial date, may include a scheduling conference, motions hearings, status conferences, pretrial hearings, and plea hearings.

### **Sentencing**

For some cases, a sentence is imposed by a judge immediately following adjudication. For other cases; however, a pre-sentence investigation (PSI) and various evaluations may be ordered by the judge, and the sentence is scheduled approximately 60 days later.

### **Postponements**

All postponement requests must be considered by the County Administrative Judge or his/her designee. The County Administrative Judge shall be authorized to make good cause findings and to rule on waivers of the Hicks requirement. All requests must comply with Md. Rule 4-271, Md. Code Ann., Criminal Procedure § 6-103 (2001) and the [Circuit Court for Howard County Postponement Policy](#).

## **Remote Hearings**

The availability of a remote hearing or remote appearance is subject to the current Maryland Judiciary Administrative Orders and the County Administrative Judge. If a party wishes to request to appear remotely or convert an in-person hearing to a remote proceeding, a [Motion for Remote Proceeding or to Appear Remotely](#) must be filed.

## **Interpreters**

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court by using the [Request for Spoken Language Interpreter](#) form. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed (i.e., party, witness).

The party requesting an interpreter shall confirm with the Interpreter Coordinator that the request for an interpreter has been received by the Interpreter Coordinator. The requesting party shall notify the Court immediately if the need for the interpreter changes. If a request for interpreter is not cancelled at least 48 hours in advance of the trial or hearing, the Court will be billed for the interpreter's services. If the Court is billed for an interpreter as a result of counsel's failure to advise the Court that the interpreter will not be needed, or because counsel or a litigant does not appear in court in a timely fashion, the Court may assess the interpreter costs against the party or counsel causing the unnecessary expense.