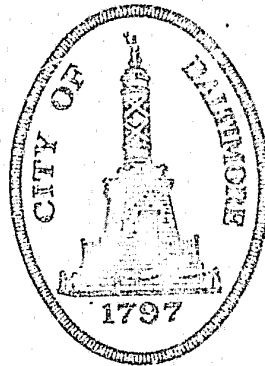


# BALTIMORE HIGH IMPACT PROGRAM

## IMPACT COURTS PROGRAM— EVALUATION REPORT



NCJRS

SEP 17 1978

ACQUISITIONS

Presented by

William Donald Schaefer, Mayor  
and  
Coordinating Council on Criminal Justice

Baltimore, Maryland

36541

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BALTIMORE'S HIGH

IMPACT COURTS

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In July, 1972, the Baltimore City Mayor's Coordinating Council on Criminal Justice presented its Three Year Action Plan for the Reduction of Burglary, Robbery, Homicide, Aggravated Assault, and Rape to the Governor's Commission on Law Enforcement and the Administration of Justice (the Maryland State Planning Agency) and the Philadelphia Regional Office of the Law Enforcement Assistance Administration.

Included in the Plan was a Court Requirements Program which included seven projects. The thrust of the Program was to develop an effective information system for the courts and related agencies in order to provide baseline data about the processing of Impact crimes in Baltimore. When the information was gathered, more accurate planning could pinpoint what improvements were necessary to provide an optimum system.

In concert with the already-funded Criminal Case Information System, specific management information sub-systems were to be developed. Included in this design were information systems for the Public Defender's Office, Probation Department, Juvenile Court, and District Courts; a Central Calendar Clearing House for all courts in Baltimore; improved records management procedures; and an expanded unit in the State's Attorney's office to coordinate investigation and prosecution of all violent crimes.

Although the Three-Year Action Plan was approved on August 31, 1972 by the Governor's Commission and on October 26, 1972 by the Law Enforcement Assistance Administration, the Court Requirements Program was not approved. It was indicated that the Court Program should be restructured to tie in more closely with the National Program objective of reducing street crime and burglary. The amount of money allocated to the Courts Program (\$2,000,000) was reserved for future projects.

During the next several months, several meetings were conducted but no consensus was reached as to how to restructure the Courts Program. During the winter of 1972-1973, the staff of the Mayor's Coordinating Council developed a plan to augment the Baltimore City Criminal Court by adding two new parts to hear only High Impact cases. This plan was approved in concept in March, 1973 by an ad hoc committee chaired by Chief Judge Robert C. Murphy of the Maryland Court of Appeals and comprised of the Police Commissioner, the State's Attorney for Baltimore City, Public Defender, Chief Judges of the Supreme Bench and District Court, and the Director of the Mayor's Coordinating Council on Criminal Justice.

On March 28, 1973 the revised Court Requirements Program was formally submitted to the Governor's Commission and on April 5, 1973 to the Philadelphia Regional Office of the Law Enforcement Assistance Administration. The Regional Administrator from Philadelphia approved the new Program Area on April 10, 1973 and requested that a formal grant application be submitted.

The grant applications detailing the resources required to operate two additional parts of the Criminal Court were transmitted to the Governor's Commission on May 9, 1973. Included in the package were three (3) applications: The one from Baltimore City included funds for renovations to provide space for two new courtrooms, judges, prosecutors, Criminal Assignment office personnel, court clerks and other support personnel. The two other applications were from State agencies--the Public Defender's Office and the Probation Department.

On May 31, 1973 the Governor's Commission formally approved the three grant applications comprising the High Impact Courts, with the exception that a separate grant proposal would have to be developed for the Court

Clerks office since this is a State function. The City of Baltimore was notified on June 26, 1973 of the grant award of \$663,907.00 for the High Impact Courts.

The two new High Impact Courts commenced operation on July 2, 1973.

## Impact Courts Evaluation

### Introduction

The Impact Courts' (Parts I and II) function is to try the most serious Impact charges as expeditiously as possible. The remaining ten parts of the Criminal Court try the overflow of Impact cases, the non-Impact felonies, and appeals and jury trials from the District Court.

In order to implement two new courts, the staffs of the relevant criminal justice agencies were bolstered. The State's Attorney's Office received eight additional prosecutors, two legal stenographers, and four special agents for investigative work. The Criminal Assignment Office, which schedules all criminal trials, added two docket assignment clerks and one clerical assistant. Two jail guards were added to the City Jail in order to facilitate transportation of pre-trial detainees to the Court House. Two judges, two court reporters, two deputy sheriffs, four security guards, and one jury assembly clerk were included in the Federal share.

Although it is not known whether speedier trials directly impact on the reduction of crime, according to the Report on Courts of the National Advisory Commission on Criminal Justice Standards and Goals, "it is reasonable to believe that the more closely punishment follows the crime, the greater the deterrent value of the punishment."<sup>1</sup> Prompt processing of all defendants will ease tensions in local jails by reducing the seemingly interminable wait to appear in court.<sup>2</sup> "From the point of view of the public, a speedy trial is necessary to preserve the means of proving

<sup>1</sup>National Advisory Commission on Criminal Justice and Standards, Report on Courts, p. 67. (Washington, 1973).

<sup>2</sup>Ibid. p. 67.

the charge, to maximize the deterrent effect of prosecution and conviction, and to avoid, in some cases, an extended period of pre-trial freedom of the defendant during which time he may flee, commit other crimes, or intimidate witnesses."<sup>3</sup>

Currently the Supreme Bench operates twelve criminal parts, of which Parts I and II are termed the "High Impact Courts." At the time these courts opened, the criminal justice system was confronted by a rising number of arrests for index crimes, an increase in the number of persons indicted by the Grand Jury, and a jump in requests for jury trials from the District Court. In addition, more than half of the persons awaiting trial in the Baltimore City Jail are alleged Impact offenders.

The Impact Court Evaluation Component specified eight objectives (initially specified by the Grant Application) upon which the courts' effectiveness would be measured:

1. Give priority to scheduling and conducting trials of defendants detained in Baltimore City Jail. Priority should be given to defendants who have been incarcerated the longest while awaiting trial and sentencing.
2. The average time for arrest to disposition shall be ninety (90) days in the first year of the project for all Impact offenders. For those incarcerated prior to the commencement of this project (July 2, 1973), the ninety days shall start running on July 2, 1973.
3. Defense counsel shall be appointed, on the average, within seven (7) days of the filing of the Grand Jury indictment or criminal information.

<sup>3</sup>American Bar Association Project on Minimum Standards for Criminal Justice Standards Relating to Speedy Trial. Approved Draft, 1968, p. 10.



4. Within seven (7) days of the filing of appearance by defense counsel, the Criminal Assignment Office shall designate the trial date.
5. The postponement rate  $\frac{(\text{number of postponements})}{(\text{number of trials})}$  shall not exceed 10% and shall not exceed one postponement per trial. Postponement is defined as any change irrespective of how long it is or when it occurs, in the trial date once it has been set by the Criminal Assignment Office.
6. Court sessions will begin at 10 A.M. Cases will follow immediately one after another.
7. The pre-sentence report will be completed by the Division of Parole and Probation within fourteen days after request is received.
8. To increase the number of Impact cases brought to trial when compared to number of Impact cases brought to trial before the Impact Courts went into operation.

The Mayor's Coordinating Council on Criminal Justice published an interim evaluation report on June 6, 1974. It included analysis of objectives one, two, three and five; the Phase I. Evaluation effort expands upon our previous analysis and also treats the remaining four objectives. The court evaluation, with respect to the objectives stated in the Impact Court Evaluation Component, constitutes the first section; the second section deals with topical issues confronting the Baltimore Supreme Bench.

OBJECTIVE ONE

Objective 1: Give priority to scheduling and conducting trials of defendants detained in Baltimore City Jail. Priority should be given to defendants who have been incarcerated the longest while awaiting trial and sentencing.

Data Constraints

The sample used in analyzing this objective consists of those defendants identified as being incarcerated by virtue of the fact that the cepi (determination of defendant's location) was returned from the Baltimore City Jail. These persons were indicted or an information returned between September 1, 1973 and April 1, 1974 and their cases were closed as of June 1, 1974. No open cases are included in the analysis of elapsed time from arrest to disposition.

All Criminal Court indictments, informations, appeals, and warrants receive an 8 digit figure as an identifier. The first number signifies which of the four above-named categories the transaction would come under; the next two digits indicate the year; and the final numbers identify the individual case. This sample includes all transactions beginning with a 5 or 6 which designate Impact crime indictments and informations respectively. Also included are the Impact crime categories which are comprised of all other murders, rapes, robberies, aggravated assaults, and night-time burglaries which were not clearly identified as occurring among friends or relatives. These indictments and informations are designated by the prefix 1 or 2 respectively. The total sample includes 504 defendants; however, all tables do not add to 504 because certain pieces of information were not obtainable from the historical files.

Efforts to identify Impact offenders in Jail prior to September, 1973 have proven extremely difficult because of problems in accessing old Jail records. Significant changes have occurred in Jail record maintenance techniques since September, 1973 improving current files but not affecting pre-September, 1973 files.

### Priority Scheduling for Jailed Defendants

It has been generally believed that priority is given to scheduling the trials of defendants detained in Baltimore City Jail. Tables J1-J8 depict the elapsed time between arrest and disposition and at critical benchmarks along the way for jail cases versus non-jail cases. The analysis of this data shows that jail cases are moved at approximately the same speed as non-jail cases. According to these statistics, it, therefore, appears that sufficient priority has not been given to disposing of jail cases before handling bail or own recognizance cases. It is possible that jail cases are given priority in scheduling but there is slippage by the time the cases are ready for disposition.

Table J1 shows that the mean time from arrest to disposition is virtually identical for jail and non-jail cases. On its face this would indicate that priority has not been given to jail cases; however, the response heretofore had been that jail cases are normally more serious and difficult to try than non-jail cases so the closeness in elapsed time might still indicate preference given to jail cases.

In order to examine this point, special tables (J2-J5) were designed to reflect difficulties in cases with excessive motions or postponements, two supposed manifestations of more serious cases. Tables J2 and J3 show that jail and non-jail cases had approximately the same percentage of excessive motions (motions which took longer than six weeks to resolve) and postponements. Sixteen percent of the jail cases had excessive motions while 9% of the non-jail cases had excessive motions; 31% of the jail cases had postponements and 27% of the non-jail cases had postponements.

If time-consuming motions and postponements are indicators of more serious cases (i.e. cases requiring longer periods to try), then jail cases are not more difficult than non-jail cases and do not take longer

to try. The conception that jail cases are generally problem cases does not seem justified.

Tables J4 and J5 depict that cases involving complicated motions or postponements require significantly more time to dispose of than cases involving normal motions or no postponements. Again the time from arrest through disposition is virtually the same for jail and non-jail cases involving excessive motions or postponements.

Of interest from Tables J6-J8 is the table (J7) which shows that it takes an average of 38.0 days after indictment or information for jailed defendants to have an attorney appointed or file his appearance and 30.7 days for non-jailed defendants. This average of one month is entirely too long for all defendants and is particularly crucial for pre-trial detainees whose cases should be expedited.

In summary, it appears that jail cases are no more difficult to try than non-jail cases. If special emphasis were given to expediting jail cases, then the figures should reflect shorter time from arrest to disposition for these cases. The failure to reduce elapsed time for jail cases below that of non-jail cases indicates that close and constant attention is not being paid to moving the jail cases rapidly at every step from arrest to disposition.

#### Priority for Oldest Jail Cases

Table J9 reflects the continually decreasing number of persons incarcerated in 1973 and earlier who still remain in Jail awaiting trial. Using February, 1974 as a base, 289 persons charged with Impact crimes in 1973 and earlier remained in Jail. By July 1, 1974, only 33 of these persons (two-thirds of whom were committed during the last quarter of 1973) were still incarcerated at the City Jail; thus 89% of the persons had their cases completed.

An analysis of the 33 cases yet to be tried discloses that 21 of these persons have their trials scheduled; ten in July, seven in August, and four in September. Six cases have not been set for trial; three have been tried recently and are currently awaiting disposition, two have a change of venue, and one has been completed by a finding of insanity and commitment to the State Department of Health and Mental Hygiene.

From the basically descending percentage of persons no longer in the City Jail, it can be deduced that the oldest cases are being given priority. It would appear from inspecting the Weekly Jail Inmate Aging Report that the courts are clearing older cases before hearing more recent ones. The older cases which have not yet been disposed of often have extraordinary problems which prevent more rapid adjudication. In addition, the Criminal Assignment Office has hired a summer intern whose sole job is to expedite movement of the oldest jail cases.

Obviously, the major difficulty in processing jail cases is that the average stay in Jail is almost six months from arrest to disposition. Even if the oldest jail cases are being tried first or priority were given to conducting the trials of these persons, the deviation from the 90 day arrest to disposition objective is so great as to overshadow much of the progress being made.

#### Jail Population

The Jail population, as evidenced by Graph J1, continues to fluctuate between 1,100 and 1,200 prisoners. The number of inmates has risen during the summer months but is still consistently less than 1972 and early 1973 levels. The number of prisoners awaiting Supreme Bench action (Graph J2) has also increased during the summer but continues to be less than early 1974 levels.

It is difficult to say that reduced population is a direct result of the additional court capacity, but when more cases are closed, Jail population should generally decrease. Several projects and activities, including the Pre-Trial Release Division, Jail-Bail Review, the State's Attorney's Office Felony Complaint Unit, and other diversion and treatment programs also impact on Jail population.

#### Recommendations

Obviously, the most significant recommendations that could be made are those that involve meeting the ninety day arrest to sentencing objective. Specific suggestions on this subject will be mentioned in following sections.

Additional effort should be made to insure that jail cases are given priority in every step from arrest through disposition. Failure to meet any point along a model time-table should be noted immediately and appropriate action taken. The Criminal Assignment Office, which schedules the Supreme Bench criminal cases, should take an active role and be supported by the Bench in its efforts to move cases rapidly to disposition.

An attempt to create a mathematical model which will measure deviation from the ideal of scheduling cases in strict chronological order has begun. It involves assigning cases a number, oldest cases have the lowest numbers, and comparing this to the order in which the cases are finally scheduled. The latter number will be subtracted from the former, thus giving a picture of how far the scheduling has strayed from the ideal. Great refinement will have to be made in this model to account for particular problems which absolutely preclude scheduling in strict chronological order. The notion, however, that more than judgment or intuition should be used to compare

actual performance to the stated objective is a valid one; thus a specific means of measuring performance must be developed.

The second problem which must be addressed is the particular slowness in appointment of counsel in jail cases. If arraignments were conducted more frequently for jail cases, then the status of defendant's counsel could be ascertained quickly and proper measures taken to guarantee earlier representation.

Continuous monitoring of Jail population reports is conducted by the relevant agencies but must be increased to give this area the attention it deserves.



Table J1

Time Interval: Arrest To Disposition

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-89	12	2.6	4	.9	16	3.4
90-119	22	4.7	23	4.9	45	9.6
120-149	57	12.2	43	9.2	100	21.3
150-179	62	13.2	57	12.2	119	25.5
180-209	54	11.5	44	9.4	98	20.9
210-239	18	3.8	23	4.9	41	8.7
240-269	20	4.3	11	2.3	31	6.6
270-299	11	2.3	3	.6	14	3.0
300	1	.2	4	.9	5	1.1
Total	257	54.8	212	45.2	469	100.0

	Jail	Bail
Median:	168 days	168.9 days
Tendency Pattern:	67.3%: 4-7 months	68%: 4-7 months
Mean:	172.2	171.0

Table J2

Time Interval: Arrest to Disposition (Controlling for Motions-Normal)

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	12	2.9	4	1.0	16	3.9
90 - 119	22	5.3	23	5.6	45	10.9
120 - 149	48	11.7	39	9.5	87	21.1
150 - 179	55	13.3	53	12.9	108	26.2
180 - 209	48	11.7	40	9.7	88	21.4
210 - 239	12	2.9	20	4.9	32	7.8
240 - 269	13	3.2	8	1.9	21	5.1
270 - 299	8	1.9	2	.5	10	2.4
300 -	1	.2	4	1.0	5	1.2
TOTAL	219	53.2	193	46.8	412	100.0

	Jail	Bail
Median:	165 days	167.1days
Tendency Pattern:	68.9%: 4 - 7 months	68.2%: 4 - 7 months
Mean:	ND	ND

Table J3

Time Interval: Arrest To Disposition (Controlling For Postponements)  
(No Postponements)  
Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-89	11	3.3	4	1.2	15	4.5
90-119	20	6.0	23	6.8	43	12.8
120-149	50	14.9	40	11.9	90	26.8
150-179	41	12.2	43	12.8	84	25.0
180-209	31	9.2	28	8.3	59	17.6
210-239	11	3.3	8	2.4	19	5.7
240-269	9	2.7	6	1.8	15	4.5
270-299	4	1.2	2	.6	6	1.8
300-	1	.3	4	1.2	5	1.5
Total	178	53.0	158	47.0	336	100.00

	Jail	Bail
Median:	155.9	158.4
Tendency Pattern:	51.1% betw. 4&6 months	52.5% betw. 4&6 months
Mean:	ND	ND

Table J4

Time Interval: Arrest To Disposition (Controlled For Motions) (Excessive)

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
120-149	9	15.8	4	7.0	13	22.8
150-179	7	12.3	4	7.0	11	19.3
180-209	6	10.5	4	7.0	10	17.5
210-239	6	10.5	3	5.3	9	15.8
240-269	7	12.3	3	5.3	10	17.5
270-299	3	5.3	1	1.8	4	7.0
Total	38	66.7	19	33.3	57	100.0

	Jail	Bail
Median:	195 days	191.2 days
Tendency Pattern:	Not Significant	Not Significant
Mean:	ND	ND

Table J5

Time Interval: Arrest to Disposition (Controlling For Postponements-All Postponements)  
 Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-89	1	0.8	0	0.0	1	0.8
90-119	2	1.5	0	0.0	2	1.5
120-149	7	5.3	3	2.3	10	7.5
150-179	21	15.8	14	10.5	35	26.3
180-209	23	17.3	16	12.0	39	29.3
210-239	7	5.3	15	11.3	22	16.5
240-269	11	8.3	5	3.8	16	12.0
270-	7	5.3	1	0.8	8	6.0
TOTAL	79	59.4	54	40.6	133	100.0

	Jail	Bail
Median:	191.1 days	198.7 days
Tendency Pattern:	55.7% between 5&7 months	55.5% between 5&7 months
Mean:	ND	ND

Table J6

Time Interval: Arrest to Supreme Bench Filing

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	4	0.9	3	0.6	7	1.5
7-13	6	1.3	5	1.1	11	2.4
14-20	76	16.3	59	12.7	135	29.0
21-27	74	15.9	41	8.8	115	24.7
28-34	19	4.1	20	4.3	39	8.4
35-41	22	4.2	30	6.5	52	11.2
42-48	18	3.9	17	3.7	35	7.5
49-55	12	2.6	8	1.7	20	4.3
56-62	9	1.9	7	1.5	16	3.4
63-69	5	1.1	8	1.7	13	2.8
70-	10	2.2	12	2.6	22	4.7
TOTAL	255	54.8	210	45.2	465	100.0

	Jail	Bail
Median:	24.9 days	27.5 days
Tendency Pattern:	58.8%: 2 - 4 weeks	47.6%: 2 - 4 weeks
Mean:	30.6 days	32.9 days

Table J 7

Time Interval: Charging Papers to Counsel Appointment

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 6	12	2.6	11	2.2	23	4.8
7 - 13	36	7.9	63	13.8	99	21.6
14 - 20	40	8.7	42	9.2	82	17.9
21 - 27	33	7.2	14	3.1	47	10.3
28 - 34	30	6.6	13	2.8	43	9.4
35 - 41	21	4.6	10	2.2	31	6.8
42 - 48	12	2.6	9	2.0	21	4.6
49 - 55	24	5.2	5	1.1	29	6.3
56 - 62	8	1.7	9	2.0	17	3.7
63 - 69	6	1.3	5	1.1	11	2.4
70 -	36	7.9	19	4.4	55	12.2
TOTAL	258	56.3	200	43.7	458	100.0

	Jail	Bail
Median:	29.9 days	18.3 days
Tendency Pattern:	53.9%: 1 - 5 weeks	52.5%: 1 - 3 weeks
Mean:	38.0 days	30.7 days

Table J 8

Time Interval: Supreme Bench to Disposition

Test Variables: Jail/Bail

No. of Days	Jail		Bail		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 59	11	2.2	5	1.0	16	3.3
60 - 89	23	4.7	25	5.1	48	9.8
90 - 119	56	11.4	50	10.2	106	21.5
120 - 149	73	14.8	55	11.2	128	26.0
150 - 179	59	12.0	40	8.1	99	20.1
180 - 209	30	6.1	28	5.7	58	11.8
210 - 239	11	2.2	14	2.8	25	5.1
240 -	9	1.8	3	.6	12	2.4
TOTAL	272	55.3	220	44.7	492	100.0

	Jail	Bail
Median:	138.9 days	136.3 days
Tendency Pattern:	69.1%: 3 - 6 months	65.9%: 3 - 6 months
Mean:	140 days	138.9 days



Table J9

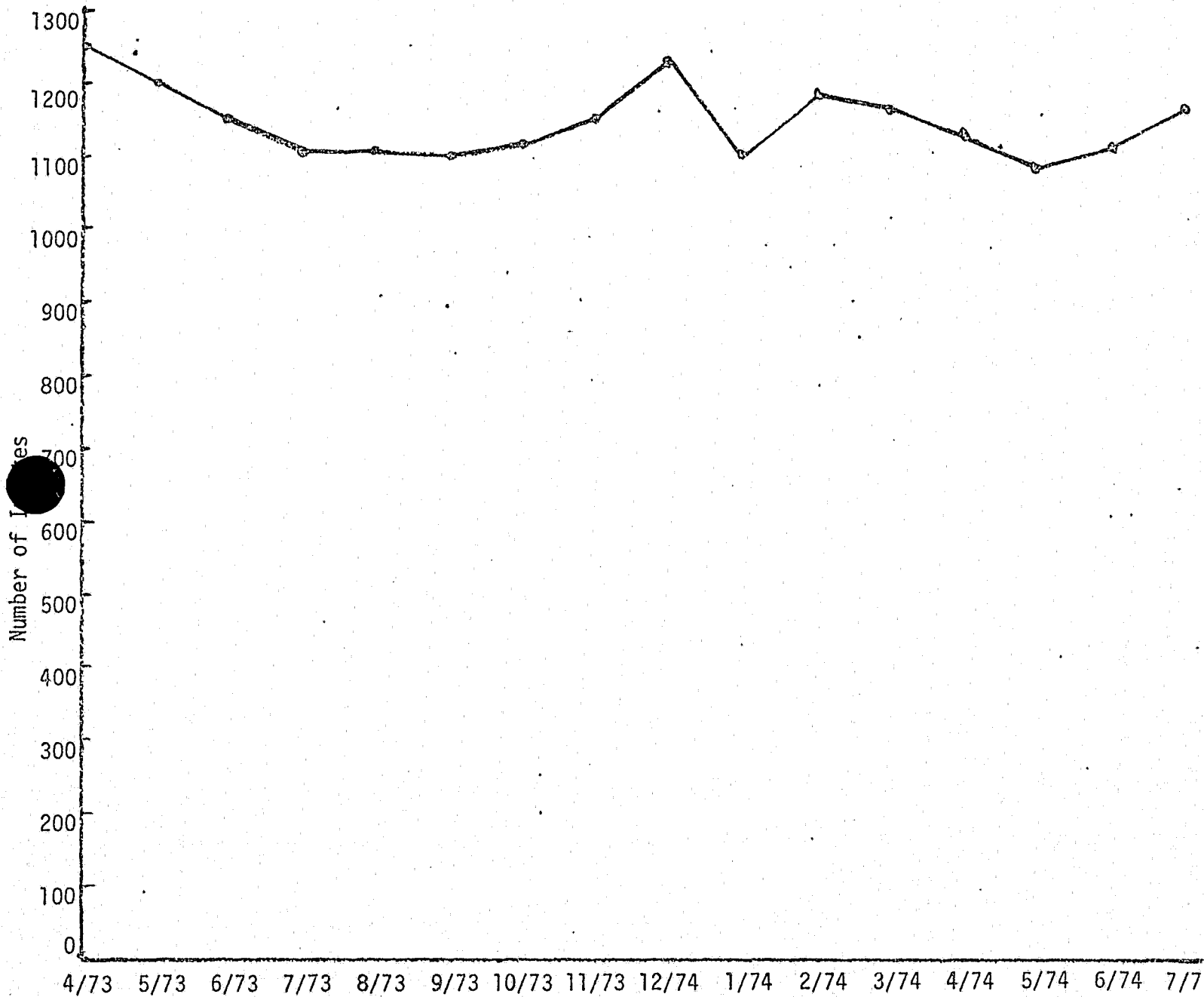
## NUMBER OF IMPA PE OFFENDERS IN JAIL

Number Committed to Jail during	Number Remaining in Jail as of:							Numerical Re- duction in Jail Pop.	Percent Re- duction in Jail Pop.
	1/9/74	2/4/74	3/18/74	4/1/74	5/6/74	6/3/74	7/1/74		
1972	10	7	6	6	5	3	3	7	70
Jan.-June '73	61	40	14	14	7	3	2	59	97
July '73	26	14	7	6	3	3	3	23	88
August '73	45	36	23	20	7	3	1	44	98
September '73	38	28	13	10	6	3	2	36	95
October '73	74	58	42	41	21	5	6	68	92
November '73	60	55	51	48	20	14	7	53	88
December '73		51	43	39	25	14	9	42	82*
Total Period		289	199	184	94	48	33	256	89

Source: Jail Weekly Inmate Aging Report

\*Percent reduction in Jail population from 2/4/74 to 7/1/74.

ACTUAL IN-JAIL COUNT

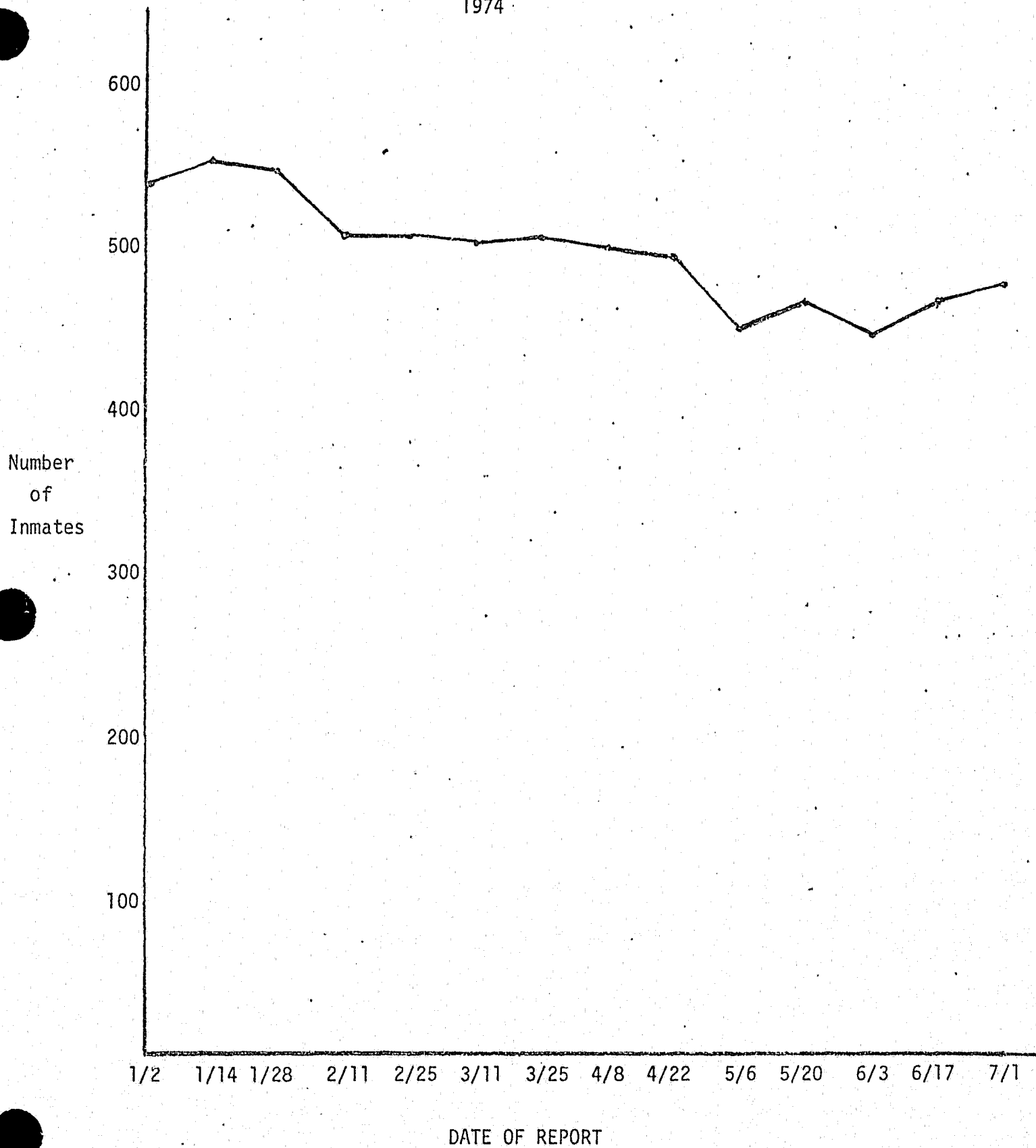


Date of Report  
(first week of every month)

Source: Baltimore City Jail Weekly Population Report

Graph J2

ACTUAL IN-JAIL COUNT  
CHARGED TO SUPREME BENCH  
1974



Source: Baltimore City Jail Weekly Inmate Aging Report

OBJECTIVE TWO

Objective Two: The average time for arrest through disposition shall be ninety (90) days in the first year of the project for all Impact offenders.

#### A. Background

The Court Evaluation Staff began its data gathering during January. The first step involved the completion of case history forms (example enclosed) detailing benchmarks in the criminal path of impact defendants. Impact information numbers begin with a "6" while impact indictments are identified by a "5"; this labeling procedure was initiated August 27, 1973, by the States' Attorney. During March, our universe of defendants was expanded to include all impact crime categories (murder, rape, robbery, burglary, aggravated assault). The knowledge that further analysis was conducted on defendants who had not been previously designated as impact necessitated the enlarged survey. We assume that all "5" and "6" defendants met both impact requirements: crime type and the stranger-to-stranger element. All impact "crime category" cases, or non-designated impact defendants, meet the crime category standards; a percentage of them also fall under the stranger-to-stranger characterization.

The case history information was obtained from the following sources:

- The Basic Court Information system computer terminals located at the Criminal Assignment Office and the States' Attorney's Office;
- numerous print-out case files maintained by the Criminal Assignment Commissioner;
- indictment books maintained by the Clerk of the Criminal Court;
- The District Court Arrest Volume, 1973;
- the Baltimore City Police Department.

The Coordinating Council's interim evaluation report surveyed all designated impact ("5" and "6") and impact crime category defendants (indicted information between September 1, 1973, and January 1, 1974) whose cases had proceeded through disposition as of April 1, 1974. The Phase I evaluation

efforts expands the study to all designated impact and impact crime category defendants indicted (information) between September 1, 1973, and March 31, 1974, whose cases have been disposed as of June 1, 1974. Analysis of the 504 surveyed defendants yields the following numerical breakdown:

	Information (# of det)	Indictment (# of det)	Total
Designated Impact	265	31	296
Impact Crime Category	92	116	208
Total	357	147	504

The completed case history forms were pre-coded prior to keypunching. A crosstabulation computer program, stressing distribution (days) and relevant variables (public defender-private counsel, bail-jail, etc), was designed and processed. While the interim report utilized a manual study of 278 defendants, the Phase I evaluation incorporates a larger core of defendants coupled with a more detailed and finite computer analysis of the criminal path.

Our data will require adjustment as the Supreme Bench disposes of more defendants within the time framework. The interim evaluation reported an average of 163 days from arrest through disposition for those cases closed as of April 1st; the Phase I report, adding the arrest-disposition statistics of those defendants whose cases were disposed by June 1st, indicates an overall average of 172 days. All defendants, in both studies, had charges filed against them between September 1st, 1973, and April 1st, 1974.

#### B. Distribution Tables: Definition of Terms

1. Guilty/Not Guilty/Other (Table if, 8f): "Other" would refer to mistrials, stets and nol pross of an entire case against the defendant.
2. Trial to Completion/Stet-Nol pros (lg, 8g): "Trial to completion" in-

cludes all trials (jury/court), mistrials, and pleas. "Stet-nol  
pross" indicates an entire case against a defendant has been stotted,  
or nol prossed. Cases involving plea negotiations, in which one or  
more charges are dropped in return for a guilty plea, are not included.

3. Normal Motions/Excessive Motions (1h, 5a, 8h): "Excessive motions"  
refers to a case in which motions consume more than six weeks calendar  
time.
4. Postponements/No postponements (1j, 5d, 8i): Postponements occur at  
various stages in the criminal path: preliminary hearing, arraignment,  
trial disposition. All are included.
5. Impact/Non Impact (1j, 4a, 8j): "Impact" defendant refers to those  
indictments or informations beginning with "5" and "6", respectively.  
Non-impact refers to impact crime category defendants.

All other variables are self-explanatory. A sample table is included.

DEFENDANT CASE HISTORY

Name:

Indictment/Information Number:

Charges:

Sex \_\_\_\_ Race: \_\_\_\_ Jail/Bail/ROR \_\_\_\_ Pub. Def./Priv. Counsel # or name \_\_\_\_

Date of Birth

Court Part:

Judge/Judges:

Plea (guilty, not guilty, guilty as to charge):

CASE HISTORY

Date

No. of Days

DATE OF ARREST:

COMMITMENT DATE (JAIL):

PRELIMINARY HEARING:

FILING DATE WITH SUPREME BENCH:

PRESENTING OF INDICTMENT TO GRANT JURY:

FILING OF INDICTMENT/CRIMINAL INFORMATION:

APPOINTMENT OF COUNSEL (OR RETENTION):

SETTING OF TRIAL DATE:

MOTIONS (NUMBER, TIME CONSUMED):

TRIAL DATE:

- A. CT/JT \_\_\_\_
- B. JT/CT \_\_\_\_
- C. CT \_\_\_\_
- D. JT \_\_\_\_

PLEA BARGAINING: (specifics as to charge):

POSTPONEMENTS (number/time consumed):

DISPOSITION BY CHARGE (date):

PRESENTENCE REPORT REQUEST DATE:

PRESENTENCE REPORT/SENTENCING DATE:



### SAMPLE · DISTRIBUTION TABLE ·

## Table

Time Interval:

Test Variables:

No. of Days	No. of Defs.	% <sup>1</sup>	No. of Defs.	% <sup>1</sup>	Total <sup>2</sup> Defs.	% <sup>1</sup>

Median: 3		
Tendency Pattern: 4		
Mean: 5		

<sup>1</sup> refers to percentage of total defendants.

<sup>2</sup> Totals will deviate from universe of 504 defendants according to data available.

3 Median refers to the middle number of the series.

4 Tendency pattern relates to significant groupings, e.g., 65% between four and six weeks.

5 Mean: sum of days divided by total of defendants.

## Distribution Tables

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c.	Impact Court/Non-Impact Court	46
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e.	Information/Indictment	48
f.	Guilty/not Guilty/Other	156
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h.	Normal motions/Excessive motions	49
i.	Postponements/no Postponements	98
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#### Jail-Bail Analysis

##### Interval

J1:	Arrest-Disposition	10
J2:	" (control for motions)	11
J3:	" (control for postponements)	12
J4:	" (control for motions)	13
J5:	" (control for postponements)	14
J6:	Arrest-Filing with Supreme Bench	15
J7:	Charging Papers Filed-Filing of Counsel	16
J8:	Filing with Supreme Bench-Disposition	17

### C. Data Analysis

Our current data verifies the conclusions of the interim report; the current estimation of processing time for all defendants is 172 days from arrest through disposition, while designated impact cases are being processed, on the average, in 164.9 days (Table 1j). Improvement can be seen, however, when comparing the results of the current survey and the data obtained from a study of defendants indicted during September, 1972.<sup>1</sup> The earlier study analyzed the criminal processing times of 100 defendants charged with either murder, rape, burglary, robbery with a deadly weapon, or aggravated assault. The average arrest through disposition time interval was 271.3 days. In one year, the Criminal Court has trimmed an average of one-hundred days from the felony processing time. There are several reasons for this marked decrease:

- The Criminal Assignment Office assumed the entire case scheduling burden on May 1, 1973. The centralized procedure facilitated the scheduling and tracking of defendants;
- the basic court information system pooled information from all areas and provided easy access to data. The system is being expanded and its increased use should further reduce processing time;
- the shrinking backlog (3413 open defendants on July 1, 1973 - (720 open defendants on June 1, 1974) provided a manageable workload. Trouble cases were more easily identified and corrected;
- the current arraignment procedure, in which the filing of an attorney is required before the defendant may leave the courtroom, removes the possibility of multiple arraignments;

<sup>1</sup>Malloy, Patrick, "Time Analysis," a paper presented to Professor Michael Kelly, University of Maryland School of Law, April, 1974.

- the addition of the impact courts permits a greater number of trials, and enables other criminal parts to conduct arraignments.

In order to reach the 90 day objective, the criminal court must trim 80 more days from the average defendant's processing time. As we approach 90 days, the task becomes more difficult and will involve questioning established modes of procedure. Briefly summarizing the salient points of the interim evaluation, we observed that the District Court consumes approximately 1/3 of the 90 day objective, or 30 days. The District Court is handcuffed by the 10 day period in which the defendant may waive his preliminary hearing; further delays involve preliminary hearing postponements.

A mandatory preliminary hearing would serve several useful purposes:

- as a screening tool, it indicates the strength of the states' case; weak cases would be removed from the system at an earlier date;
- it is a prerequisite for the filing of charging papers through information, as opposed to the Grand Jury route. The Grand Jury process is costly and time consuming. On the average, a case requiring Grand Jury action requires 16.5 more days than one involving information (Tables 1e, 4b). Theoretically, a mandatory preliminary hearing, coupled with the filing of formal charges through information, would cut 34 days from the arrest through disposition interval (assuming that the preliminary hearing occurs on the 14th day after arrest).

Our second major area of concern is the delay between the preliminary hearing and the filing of formal charges. Chart I, comparing three felony timetables, indicates an insignificant degree of improvement between 1972 and 1973 in regard to the filing of charging papers (55.3 days in 1972; 54.7 days in 1973). The objectives allots 30 days to this procedure. The mandatory preliminary hearing would undoubtedly reduce the current

figure; probable cause would be determined at an earlier date and the States' Attorney's Office could proceed towards information without having to wait for a Grand Jury indictment.

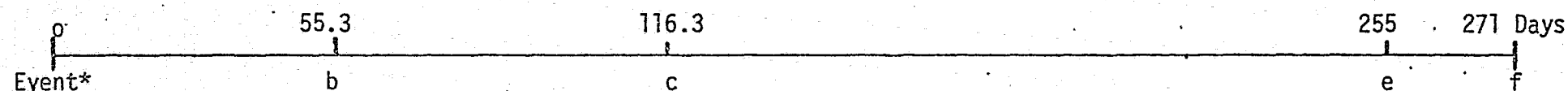
The filing of the indictment or criminal information is the focal point of objective two: decreasing the time from arrest through disposition. In effect, a case is dormant at the Supreme Bench level until an indictment has been returned. Defendants do not have names at the Criminal Clerk's office; they have numbers. The indictment is that number and until it has been attached to the defendant he is literally a non-entity.

We do not profess to understand the intricacies of case screening and investigation prior to the return of an indictment or criminal information. However, we are confident in our ability to pinpoint areas of concern. The objective does not call for a superhuman effort; it will require a close scrutiny of procedure within the States' Attorney's office.

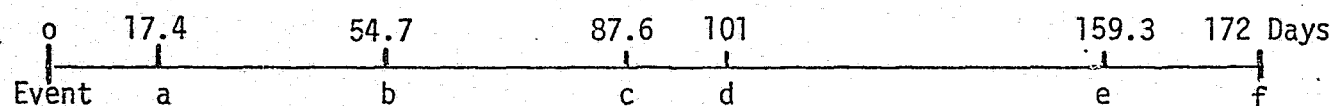
# CHART I

## SUPREME BENCH OF BALTIMORE CITY: CRIMINAL PROCESSING INTERVALS

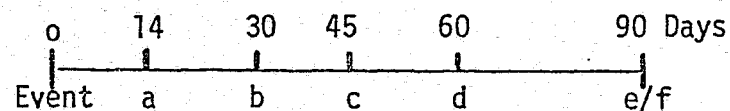
A. STUDY: 1972 Impact type defendants - September, 1972 Indictments/Informations (100 defendants)



B. STUDY: 1973-74 Impact type defendants - September, 1973 - March, 1974 Indictments/Informations (504 defendants)



C. OBJECTIVE



\* Code

a = Preliminary hearing; b = charging papers filed; c = arraignment/counsel filing;

d = date trial is set; e = trial date; f = disposition date

SUMMARY DATA: ALL DEFENDANTS

Interval	Number of Observed Defendants	Average (Mean)
Arrest - Preliminary Hearing	266	17.4
Preliminary Hearing - Supreme Bench Filing	264	14.0
Arrest - Supreme Bench Filing	468	31.5
Supreme Bench Filing - Charging Papers Filed	490	22.7
Charging Papers filed - Counsel Filing	462	35.0
Arrest - Charging Papers	469	54.7
Supreme Bench Filing - Counsel Filing	472	56.1
Pre-Sentence Report Request - Report Filing	131	19.9
Pre-Sentence Report Filing - Disposition	127	18.0
Counsel Filing - Date of Trial	480	71.7
Charging Papers Filed - Disposition	498	117.3
Supreme Bench Filing - Disposition	495	139.8
Arrest - Disposition	473	172.0



Table 1 b

Time Interval: Arrest to Disposition

Test Variables: Court Trial/Jury Trial

No. of Days	Court Trial		Jury Trial		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	5	1.5	0	.0	5	1.5
90 - 119	22	6.6	4	1.2	26	7.8
120 - 149	65	19.6	12	3.6	77	23.2
150 - 179	75	22.6	14	4.2	89	26.8
180 - 209	58	17.5	12	3.6	70	21.1
210 - 239	32	9.6	2	.6	34	10.2
240 - 269	18	5.4	3	.9	21	6.3
270 - 299	6	1.8	2	.6	8	2.4
300 -	2	.6	0	.0	2	.6
TOTAL	283	85.2	49	14.8	332	100.0

	Court Trial	Jury Trial
Median:	169.8	168.2
Tendency Pattern:	70%: - 4 - 7 months	53.1%: - 4 - 6 months
Mean:	Not Determined	Not Determined

Table 1 c

Time Interval: Arrest to Disposition

Test Variables: Impact Court/Non-Impact Court

No. of Days	Impact Court		Non-Impact Court		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	0	.0	9	2.0	9	2.0
90 - 119	1	.2	42	9.4	43	9.7
120 - 149	12	2.7	86	19.3	98	22.0
150 - 179	9	2.0	104	23.4	113	25.4
180 - 209	21	4.7	70	15.7	91	20.4
210 - 239	7	1.6	35	7.9	42	9.4
240 - 269	9	2.0	22	4.9	31	7.0
270 - 299	6	1.3	8	1.8	14	3.1
300 -	1	.2	3	.7	4	.9
TOTAL	66	14.8	379	85.2	445	100.0

	Impact Court	Non-Impact Court
Median:	195.7	165.3
Tendency Pattern:	63.6%: - 4 - 7 months	50.1%: - 4 - 6 months
Mean:	199.06	168.85

Table 1 d

Time Interval: Arrest to Disposition

Test Variables: Co-Defendant/No Co-Defendant

No. of Days	Co-Defendant		No Co-Defendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	9	1.9	7	1.5	16	3.4
90 - 119	15	3.2	30	6.3	45	9.5
120 - 149	23	4.9	77	16.3	100	21.1
150 - 179	42	8.9	77	16.3	119	25.2
180 - 209	43	9.1	56	11.8	99	20.9
210 - 239	9	1.9	35	7.4	44	9.3
240 - 269	19	4.0	12	2.5	31	6.6
270 - 299	8	1.7	6	1.3	14	3.0
300 -	3	.6	2	.4	5	1.1
TOTAL	171	36.2	307	63.8	473	100.0

	Co-Defendant	No Co-Defendant
Median:	177.0 Days	163.4 Days
Tendency Pattern:	63%: - 4 - 7 months	70%: - 4 - 7 months
Mean: (Days)	179.3	167.9

Table 1 e

Time Interval: Arrest to Disposition

Test Variables: Information/Indictment

No. of Days	Information		Indictment		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	15	3.2	1	.2	16	3.4
90 - 119	40	8.5	5	1.1	45	9.5
120 - 149	77	16.3	23	4.9	100	21.1
150 - 179	87	18.4	32	6.8	119	25.2
180 - 209	69	14.6	30	6.3	99	20.9
210 - 239	34	7.2	10	2.1	44	9.3
240 - 269	23	4.9	8	1.7	31	6.6
270 - 299	8	1.7	6	1.3	14	3.0
300 -	1	.2	4	.8	5	1.1
TOTAL	354	74.8	119	25.2	473	100.0

	Information	Indictment
Median:	165.5 days	179 days
Tendency Pattern:	65.9%: - 4 - 7 months	52.1%: - 5 - 7 months
Mean:	167.9	184.4

Table 1 h

Time Interval: Arrest to Disposition

Test Variables: Normal Motions/Excessive Motions

No. of Days	Normal Motions		Excessive Motions		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	16	3.4	0	.0	16	3.4
90 - 119	45	9.5	0	.0	45	9.5
120 - 149	87	18.4	13	2.7	100	21.1
150 - 179	108	22.8	11	2.3	119	25.2
180 - 209	89	18.8	10	2.1	99	20.9
210 - 239	35	7.4	9	1.9	44	9.3
240 - 269	21	4.4	10	2.1	31	6.6
270 - 299	10	2.1	4	.8	14	3.0
300 -	5	1.1	0	.0	5	1.1
TOTAL	416	87.9	57	12.1	473	100.0

	Normal Motions	Excessive Motions
Median:	166.5 Days	193.5 Days
Tendency Pattern:	68.3%: - 4 - 7 months	59.6%: - 4 - 7 months
Mean:	Not Determined	Not Determined

Table 1 j

Time Interval: Arrest to Disposition

Test Variables: Impact/Non-Impact (Defendants)

No. of Days	Impact		Non-Impact		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	15	3.2	1	.2	16	3.4
90 - 119	35	7.4	10	2.1	45	9.5
120 - 149	68	14.4	32	6.8	100	21.1
150 - 179	75	15.9	44	9.3	119	25.2
180 - 209	48	10.1	51	10.8	99	20.9
210 - 239	26	5.5	18	3.8	44	9.3
240 - 269	19	4.0	12	2.5	31	6.6
270 - 299	7	1.5	7	1.5	14	3.0
300 -	1	.2	4	.8	5	1.0
TOTAL	294	62.2	179	37.8	473	100.0

	Impact	Non-Impact
Median:	161.7 days	181.2 days
Tendency Pattern:	64.9%: - 4 - 7 months	57.1%: - 4 - 7 months
Mean:	164.9 days	183.7 days

Table: 1 k

Interval: Arrest to Disposition

Test Variables: By Charge

Days	Aggravated Assault	%	Burglary	%	Murder	%	Rape	%	Robbery	%	Other	%	Total	%
1 - 89	0	.0	3	.6	0	.0	0	.0	11	2.3	1	.2	15	3.2
90 - 119	5	1.1	6	1.3	1	.2	9	1.9	22	4.7	2	.4	45	9.6
120 - 149	6	1.3	28	6.0	8	1.7	7	1.5	48	10.7	1	.2	98	20.9
150 - 179	5	1.1	20	4.3	11	2.3	17	3.6	65	13.9	0	.0	118	25.2
180 - 209	8	1.7	25	5.3	9	1.9	10	2.1	46	9.8	1	.2	99	21.1
210 - 239	8	1.7	10	2.1	5	1.1	4	.9	16	3.4	1	.2	44	9.4
240 - 269	3	.6	3	.6	2	.4	0	.0	23	4.9	0	.0	31	6.6
270 - 299	1	.2	0	.0	2	.4	1	.2	8	1.7	2	.4	14	3.0
300 -	0	.0	0	.0	0	.0	0	.0	4	.9	1	.2	5	1.1
TOTAL	36	7.7	95	20.3	38	8.1	48	10.2	243	51.8	9	1.9	469	100.0
Mean (days):	182.3		165.9		180.8		163.2		173.6		164.1		172.0	

Table 2a

Time Interval: Arrest to Supreme Bench Filing

Test Variables: Codefendant/No Codefendant

No. of Days	Codefendant		No Codefendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	0	0	7	1.5	7	1.5
7-13	2	.4	9	1.9	11	2.4
14-20	47	10.0	89	19.0	136	29.1
21-27	49	10.5	68	14.5	117	25.0
28-34	14	3.0	25	5.3	39	8.3
35-41	22	4.7	30	6.4	52	11.1
42-48	17	3.6	18	3.8	35	7.5
49-55	7	1.5	13	2.8	20	4.3
56-62	4	.9	12	2.6	16	3.4
63-69	2	.4	11	2.4	13	2.8
70-	6	1.3	16	3.4	22	4.7
Total	170	36.3	298	63.7	468	100.0

	Codefendant	No Codefendant
Median:	26.1 days	25.5 days
Tendency Pattern:	56.4% between 2 & 4 weeks	52.7% between 2 & 4 weeks
Mean:	30.5 days	32.2 days



Table 2b

Time Interval: Arrest to Supreme Bench Filing

Test Variables: Preliminary Hearing/Waiver

No. of Days	Preliminary Hearing		Waiver		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	2	.4	5	1.1	7	1.5
7-13	4	.9	7	1.5	11	2.4
14-20	69	14.7	67	14.3	136	29.1
21-27	84	17.9	33	7.1	117	25.0
28-34	23	4.9	16	3.4	39	8.3
35-41	23	4.9	29	6.2	52	11.1
42-48	22	4.7	13	2.8	35	7.5
49-55	13	2.8	7	1.5	20	4.3
56-62	9	1.9	7	1.5	16	3.4
63-69	3	.6	10	2.1	13	2.8
70-	12	2.6	10	2.1	22	4.7
Total	264	56.4	204	43.6	468	100.0

	Preliminary Hearing	Waiver
Median:	25.75 days	25.88 days
Tendency Pattern:	57.9% - 2 & 4 weeks	49 % - 2 & 4 weeks
Mean:	31.5 days	31.8 days

Table 4a

Time Interval: Supreme Bench Filing to Charging Papers

Test Variables: Impact/Non-Impact (Def.)

No. of Days	Impact		Non Impact		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	11	2.2	37	7.6	48	9.8
7-13	77	15.7	47	9.6	124	25.3
14-20	70	14.3	37	7.6	107	21.8
21-27	46	9.4	25	5.1	71	14.5
28-34	35	7.1	18	3.7	53	10.8
35-41	11	2.2	19	3.9	30	6.1
42-48	14	2.9	9	1.8	23	4.7
49-55	5	1.0	4	.8	9	1.8
56-	16	3.3	9	1.8	25	5.1
Total	285	58.2	205	41.8	490	100.0

	Impact	Non-Impact
Median:	19.5 days	17.5 days
Tendency Pattern:	51.6% - 1 & 3 weeks	58.9% - 0 & 3 weeks
Mean:	Not determined	

Table 4 b

Time Interval: Supreme Bench Filing to Charging Papers

Test Variables: Information/Indictment

No. of Days	Information		Indictment		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 6	7	1.4	41	8.4	48	9.8
7 - 13	106	21.6	18	3.7	124	25.3
14 - 20	99	20.2	8	1.6	107	21.8
21 - 27	62	12.7	9	1.8	71	14.5
28 - 34	34	6.9	19	3.9	53	10.8
35 - 41	10	2.0	20	4.1	30	6.1
42 - 48	9	1.8	14	2.9	23	4.7
49 - 55	5	1.0	4	.8	9	1.8
56 -	15	3.1	10	2.0	25	5.1
TOTAL	347	70.8	143	29.2	490	100.0

	Information	Indictment
Median:	18.27 days	24.5 days
Tendency Pattern:	76.93%: 7 - 27 days	*
Mean:	not determined	not determined

\*Certain indictments, labeled "specials," receive immediate attention. They comprise a significant proportion of those indictments filed within six days.

Table 8 A

Time Interval: Supreme Bench to Disposition

Test Variables: Court Trial/Jury Trial

No. of Days	Court Trial		Jury Trial		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	7	2.0	1	0.3	8	2.3
60-89	23	6.6	2	0.6	25	7.2
90-119	65	18.7	13	3.7	78	27.4
120-149	77	22.1	14	4.0	91	26.1
150-179	69	19.8	11	3.2	80	23.0
180-209	36	10.3	5	1.4	41	11.8
210-239	15	4.3	4	1.1	19	5.5
240-	6	1.7	0	0.0	6	1.7
TOTAL	298	85.6	50	14.4	348	100.0

	Court Trial	Jury Trial
Median:	141.0 days	139.3 days
Tendency Pattern:	49%: 4-6 months 70.8%: 3-6 months	54%: 3-5 months 66%: 3-6 months
Mean:	N.D.	

Table 8 B

Time Interval: Supreme Bench to Disposition

Test Variables: Public Defender Private Counsel

No. of Days	Public Defender		Private Counsel		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	8	1.7	4	.8	12	2.5
60-89	22	4.6	24	5.1	46	9.7
90-119	58	12.2	47	9.9	105	22.1
120-149	79	16.6	43	9.1	122	25.7
150-179	60	12.6	36	7.6	96	20.2
180-209	27	5.7	29	6.1	56	11.8
210-239	12	2.5	14	2.9	26	5.5
240-	7	1.5	5	1.1	12	2.5
TOTAL	273	57.5	202	42.5	475	100.0

	Public Defender	Private Counsel
Median:	106.8 days	108.14 days
Tendency Pattern:	50.9: 4-6 months	62.4: 3-6 months
Mean:	N.D.	

Table 8 C

Time Interval: Supreme Bench Filing to Disposition

Test Variables: Impact Court/Non-Impact Court

No. of Days	Impact Court		Non-Impact Court		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	2	.4	10	2.1	12	2.6
60-89	3	.6	39	8.4	42	9.0
90-119	8	1.7	95	20.3	103	22.1
120-149	13	2.8	109	23.3	122	26.1
150-179	15	3.2	80	17.1	95	20.3
180-209	19	4.1	37	7.9	56	12.0
210-239	8	1.7	18	3.9	26	5.6
240-	4	.9	7	1.5	11	2.4
TOTAL	72	15.4	395	84.6	467	100.0

	Impact Court	Non-Impact Court
Median:	170 days	134.7 days
Tendency Pattern:	65.30: 4-7 months	71.40: 3-6 months
Mean:	163.3 days	136.8 days

Table 8 D

Time Interval: Supreme Bench to Disposition

Test Variables: Co-defendants/No Co-defendants

No. of Days	Co-defendants		No Co-defendants		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	6	1.2	10	2.0	16	3.2
50-89	15	3.0	33	6.7	48	9.7
90-119	25	5.1	81	16.4	106	21.4
120-149	49	9.9	79	16.0	128	25.9
150-179	34	6.9	66	13.3	100	20.2
180-209	25	5.1	34	6.9	59	11.9
210-239	14	2.8	12	2.4	26	5.3
240-	7	1.4	5	1.0	12	2.4
TOTAL	175	35.4	320	64.6	495	100.0

	Co-defendant	No Co-defendant
Median:	142.4 days	133.7 days
Tendency Pattern:	61.70%: 3-6 months	70.6%: 3-6 months
Mean:	148.1 days	135.3 days

Table 8 E

Time Interval: Supreme Bench to Disposition

Test Variables: Information Indictment

No. of Days	Information		Indictment		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	11	2.2	5	1.0	16	3.2
60-89	40	8.1	8	1.6	48	9.7
90-119	76	15.4	30	6.1	106	21.4
120-149	94	19.0	34	6.9	128	20.9
150-179	70	14.1	30	6.1	100	20.2
180-209	41	8.3	18	3.6	59	11.9
210-239	10	2.0	16	3.2	26	5.3
240-	9	1.8	3	1.6	12	2.4
TOTAL	351	70.9	144	29.1	495	100.0

	Information	Indictment
Median:	135.3 days	145.4 days
Tendency Pattern:	68.4: 3-6 months	65.2: 3-6 months
Mean:	136.5 days	147.8 days



Table 8 H

Time Interval: Supreme Bench to Disposition

Test Variables: Normal Motions/Excessive Motions

No. of Days	Normal Motions			Excessive Motions		Total Defcs.	%
	No. of Defcs.	%		No. of Defcs.	%		
1-59	16	3.2		0	0.0	16	3.2
60-89	47	9.5		1	0.2	48	9.7
90-119	95	19.2		11	2.2	106	21.4
120-149	118	23.8		10	2.0	128	25.9
150-179	86	17.4		14	2.8	100	20.2
180-209	48	9.7		11	2.2	59	11.9
210-239	18	3.6		8	1.6	26	5.3
240-	8	1.6		4	0.8	12	2.4
TOTAL	436	88.1		59	11.9	495	100.0

	Normal Motions	Excessive Motions
Median:	135.3 days	166.1 days
Tendency Pattern:	68.6%: 3-6 months	59.2%: 4-7 months 77.8%: 3-7 months
Mean:	136.1 days	167.1 days

Table 8j

Time Interval: Supreme Bench To Disposition

Test Variables: Impact/Non-Impact (Def.)

No. of Days	Impact		Non-Impact		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	10	2.0	6	1.2	16	3.2
60-89	35	7.1	13	2.6	48	9.7
90-119	75	15.2	31	6.3	106	21.4
120-149	76	15.4	52	10.5	128	25.9
150-179	53	10.7	47	9.5	100	20.2
180-209	27	5.5	32	6.5	59	11.9
210-239	6	1.2	20	4.0	26	5.3
240-	8	1.6	4	0.8	12	2.4
Total	290	58.6	205	41.4	495	100.0

	Impact	Non-Impact
Median:	129.8 days	150.3 days
Tendency Pattern:	52.1% betw. 3&5 months	48.3% betw. 4&6 months
Mean:	ND	ND

OBJECTIVE THREE

OBJECTIVE THREE: Counsel to be appointed or retained and appearance entered within seven (7) days of an indictment or criminal information.

According to the "Manual for Case Scheduling"<sup>1</sup> three events precede the setting of a trial date by the Criminal Assignment Office:

1. Filing of Indictment with Clerk's Office;
2. Cepi (location of defendant) returned by Sheriff;
3. Defense Attorney's formal appearance filed.

The indictment has been discussed previously; the cepi does not present a problem. Tables 3a and 3b deal specifically with prerequisite three: the filing of counsel's appearance.<sup>2</sup> The interim evaluation indicated that the Public Defender, restricted by statute and procedural guidelines, has not decreased the time from arrest through disposition (Table 1a). Presently, the Public Defender is recording his appearance at the District Court level; the advantage gained from this filing is lost, however, when the defendant's papers are transferred from the Districts to the Clerk of the Criminal Court. The Clerk of the Criminal Court keeps no record of District Court filings by attorney. Furthermore, no action at all can be taken at the Supreme Bench level until an indictment or information has been returned. If the defendant's file included an indication of Public Defender representation at the District Court, the Clerk could forward it to that office. Consequently, the machinery required to file appearance at the Supreme Bench

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<sup>1</sup>"Manual for Case Scheduling" written and compiled by A. Lamar Benson, January, 1974.

<sup>2</sup>The Summary Data Table reveals that the average for this interval (Charging Paper to appointment or retention of counsel) is 35 days.

level would be activated, on the average, 20 days earlier (Tables 4a, b).

In reference to Table 3a (Charging papers filed to Counsel Appointment), we noticed a 7.2 day difference between the time a public defender enters a case as opposed to Private Counsel (in favor of private counsel). Defendants financially able to hire private attorneys would naturally tend to seek representation as soon after formal charges have been filed as possible. On the other hand, the court must provide the impetus in referring attorneys to those unable to pay.

The Public Defender has indicated his willingness to represent a defendant until a private attorney has filed his appearance. Unfortunately, under the present structure, he has no prior access to his clients; the court schedules an arraignment at which time his appearance is noted. After having represented a defendant at the District Court, the Public Defender will not have any more contact with that individual until his arraignment. If the individual did not have a preliminary hearing, the Public Defender is hesitant to follow him directly to the Supreme Bench. The State's Attorney's screening procedure, in the interim, could reduce the charge (sending it back to the District Court) or drop charges completely. Again, the advantages of the preliminary hearing become evident. The Public Defender, upon determination of probable cause, is reasonably assured that the case will proceed to the Supreme Bench. Rather than waiting for the indictment, and arraignment, he could note his identification with the case immediately after the preliminary hearing.

Theoretically, a vertical representation procedure would eliminate any delay in attorney filing between the District Court and the Supreme Bench. The attorney assigned to a particular defendant in the District

Court would continue his representation at the Supreme Bench. Unfortunately, this system is costly; ~~it~~ would require a greater number of attorneys to ensure coverage at all districts. Consequently, a more efficient transition must be devised with regard to the existing structural deficiencies.

The Public Defender has done his share by filing his appearance at the District Court; the Supreme Bench, and in particular, the Clerk's Office must reciprocate by accurately recording a notation of that appearance and forwarding it to the Public Defender's Office. That office represents approximately 80% of all defendants at the Supreme Bench level (Criminal Assignment Office estimation). The potential of this affiliation has not been exploited.

Table 1 a

Time Interval: Arrest to Disposition

Test Variables: Counsel  
Public Defender/Private Counsel

No. of Days	Public Defender		Private Counsel		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	8	1.8	3	.7	11	2.4
90 - 119	24	5.3	21	4.6	45	9.9
120 - 149	58	12.7	42	9.2	100	21.9
150 - 179	70	15.4	46	10.1	116	25.4
180 - 209	53	11.6	39	8.6	92	20.2
210 - 239	21	4.6	21	4.6	42	9.2
240 - 269	19	4.2	12	2.6	31	6.8
270 - 299	8	1.8	6	1.3	14	3.1
300 -	2	.4	3	.7	5	1.1
TOTAL	263	57.7	193	42.3	456	100.0

	Public Defender	Private Counsel
Median:	167.7 days	169.9 days
Tendency Pattern:	68.9%: - 4 - 7 months	65.8%: - 4 - 7 months
Mean:	171.8 days	173.8 days

Table 3a

Time Interval: Charging Papers to Counsel Appointment

Test Variables: Public Defender/Private Counsel

No. of Days	Public Defender		Private Counsel		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	8	1.7	14	3.0	22	4.8
7-13	39	8.5	61	13.0	100	21.5
14-20	43	9.3	39	8.5	82	17.8
21-27	35	7.6	14	3.0	49	10.6
28-34	35	7.6	8	1.7	43	9.3
35-41	25	5.4	6	1.3	31	6.7
42-48	12	2.6	9	2.0	21	4.6
49-55	15	3.3	14	3.0	29	6.3
56-62	13	2.8	4	0.9	17	3.7
63-69	5	1.1	6	1.3	11	2.4
70-	36	7.8	20	4.6	56	12.4
Total	266	57.7	195	42.3	461	100.0

	Public Defender	Private Counsel
Median:	29.6 days	18.0 days
Tendency Pattern:	44.1% : 1 & 4 weeks	50.8% : 1 & 3 weeks
Mean:	38.0 days	30.8 days



Table 3b

Time Interval: Charging Papers to Counsel Appointment

Test Variables: Codefendant No Codefendant

No. of Days	Codefendant		No Codefendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-6	8	1.7	15	3.0	23	4.8
7-13	37	8.0	62	13.4	99	21.4
14-20	17	3.7	65	14.1	82	17.7
21-27	16	3.5	33	7.1	49	10.6
28-34	19	4.1	24	5.2	43	9.3
25-41	7	1.5	24	5.2	31	6.7
42-48	6	1.3	15	3.2	21	4.5
49-55	15	3.2	14	3.0	29	6.3
56-62	10	2.2	8	1.7	18	3.9
63-69	1	0.2	10	2.2	11	2.4
70-	20	4.3	36	8.0	56	12.3
Total	156	33.8	306	66.2	462	100.0

	Codefendant	No Codefendant
Median:	27.0 days	23.3 days
Tendency Pattern:	44.9% - 1 & 4 weeks	52.3% - 1 & 4 weeks
Mean:	35.5 days	34.8 days

Table 5a

Time Interval: Counsel Appointment to Trial Date

Test Variables: Motions Normal/Excessive

No. of Days	Normal		Excessive		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-29	51	10.6	3	.6	54	11.3
30-59	144	30.1	11	2.3	155	32.4
60-89	112	23.4	15	3.1	127	26.5
90-119	74	15.4	15	3.1	89	18.6
120-149	30	6.3	11	2.3	41	8.6
150-	7	1.5	6	1.3	13	2.7
Total	418	87.3	61	12.7	479	100.0

	Normal	Excessive
Median:	63.8 days	93 days
Tendency Pattern:	61.2% - 1 & 3 months	49.2 - 2 & 4 months 67.2 - 1 & 4 months
Mean:	68.3 days	95.0 days

Table 5b

Time Interval: Counsel Appointment to Trial Date

Test Variables: Insanity Plea/No Insanity Plea

No. of Days	Insanity Plea		No Insanity Plea		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-29	0	0	43	11.6	43	11.6
30-59	1	.3	118	31.9	119	32.2
60-89	1	.3	106	28.6	107	28.9
90-119	2	.5	62	16.8	64	17.3
120-149	7	1.9	23	6.2	30	8.1
150-	0	0	7	1.9	7	1.9
Total	11	3.0	359	97.0	370	100.0

	Insanity Plea	No Insanity Plea
Median:	128.5 days	65.3 days
Tendency Pattern:	63.6% - 4 & 5 months	62.4% - 1 & 3 months
Mean:	119.2 days	68.7 days

Table 5 C

Time Interval: Counsel appointment to trial date

Test Variables: Court Trial/Jury Trial

No. of Days	Court Trial		Jury Trial		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-29	33	9.5	4	1.2	37	10.7
30-59	99	28.5	15	4.3	114	32.9
60-89	84	24.2	17	4.9	101	29.1
90-119	51	14.7	10	2.9	61	17.6
120-149	24	6.9	3	.9	27	7.8
150-	6	1.7	1	.3	7	2.0
TOTAL	297	85.6	50	14.4	347	100.0

	Court Trial	Jury Trial
Median:	65.3 days	70.56 days
Tendency Pattern:	61.6%: 1-3 months	64%: 1-3 months
Mean:	70.1 days	72.0 days

Table 5 D

Time Interval: Counsel Appointment to Trial Date

Test Variables: Postponements/No Postponements

No. of Days	Postponements		No Postponements		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-29	9	1.9	45	9.4	54	11.3
30-59	21	4.4	134	28.0	155	32.4
60-89	24	5.0	103	21.5	127	26.5
90-119	42	8.8	47	9.8	89	18.6
120-149	27	5.6	14	2.9	41	8.6
150-	12	2.5	1	.2	13	2.7
TOTAL	135	28.2	344	71.8	479	100.0

	Postponements	No Postponements
Median:	96.2 days	59.6 days
Tendency Pattern:	51.1%: 3-4 months	68.9: 1-2 months
Mean:	97.1 days	61.7 days

Table 5 E

Time Interval: Counsel Appointment to Trial Date

Test Variables: Co-defendant/No Co-defendant

No. of Days	Co-defendant		No Co-defendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-29	14	2.9	40	8.4	54	11.3
30-59	50	10.4	105	21.9	155	32.4
60-89	42	8.8	85	17.7	127	26.5
90-119	36	7.5	53	11.1	89	18.6
120-149	15	3.1	26	5.4	41	8.6
150-	8	1.7	5	1.0	13	2.7
TOTAL	165	34.4	314	65.6	479	100.0

	Co-defendants	No Co-defendants
Median:	73.2 days	64.2 days
Tendency Pattern:	55.8: 1-3 months	60.5: 1-3months
Mean:	79.3 days	67.7 days

OBJECTIVE FOUR

Objective 4: Within seven (7) days of the filing of appearance by defense counsel, the Criminal Assignment Office shall designate the trial date.

The Criminal Assignment Office assumed its scheduling responsibilities in May, 1973. Prior to that date, a Case Preparation Unit under the jurisdiction of the State's Attorney coordinated the case scheduling procedure.<sup>1</sup>

Before a case can be set in for trial, three events must occur:

1. A formal charging document must be filed by the State's Attorney's Office and recorded by the Clerk of the Criminal Court;
2. The cepi must be returned by the Sheriff;
3. Appearance of defense counsel must be filed.

Usually, the appearance of counsel is the final proceeding prior to case scheduling. Occasionally we noted a late cepi; in such a case, our 7 day countdown began from the date of the latest filing.

The data required for objective four evaluation is not maintained by the computer bank. Manually maintained future courtroom dockets, located in the Criminal Assignment Office, were audited and the necessary information was removed. These dockets list the following information:

1. defendant's name and charging document number;
2. scheduled court and trial date;
3. attorney's name;
4. estimated trial time;
5. date trial was set, and through what means, e.g. called attorney, unilaterally, etc.

<sup>1</sup> For a detailed description of this transfer, see Benson, Manual for Case Scheduling, January, 1974.



We obtained information for sixty-eight designated Impact defendants whose cases were set for trial during April, May, and June of 1974, and whose trial dates ranged from June 3, 1974, to October, 1974. We disregarded cases involving postponements; the rescheduled trial date would not correspond favorably to the original filing of defense counsel. We did not include those cases involving extraordinary delays, such as insanity pleas.

#### Data Analysis

The Criminal Assignment Office is approaching fulfillment of the objective's specifications (see chart). Improvement is evident throughout the second quarter of 1974; in April, 21% of the tracked defendants had their cases set for trial within fifteen days of the filing of counsel, while in June, 67% of the defendant's had trial date's within 15 days of appearance of attorney. The decreasing backlog and increased use of the Basic Court Information system facilitate case scheduling procedure. The Critical Path tracking system will warn the Criminal Assignment Office of "trouble" cases whose time allotments have been exceeded.

MONTH SET

ATTORNEY'S  
FILING  
TO  
SETTING  
OF  
TRIAL  
DATE

No. of Days	April	May	June	TOTAL
0-7	4	7	13	24
8-15	-	6	5	11
16-23	4	4	1	9
24-31	1	4	4	9
32-39	1	-	1	2
40-47	4	-	-	4
48-55	2	1	1	4
56-63	1	-	-	1
64-71	2	-	2	4
72+	-	-	-	0
TOTAL	19	22	27	68

OBJECTIVE FIVE

Objective Five: The postponement rate ( $\frac{\text{number of postponements}}{\text{number of trials}}$ ) shall not exceed 10% and shall not exceed one postponement per trial.

The impact of postponements of criminal trials on the criminal justice system has not received adequate attention by the courts, text writers, law review commentators, and even criminal justice management analysts. The relative ease in obtaining postponements had led to its frequent abuse; attorneys requests are often unjustified and used for dilatory purposes.

It is time that such practice is no longer deemed customary and that the courts fully appreciate that postponements adversely affect efficient criminal caseflow management. The individuals responsible for the management of the caseflow in the Criminal Court of Baltimore City have approached the problem in a serious and responsible manner.

The evaluation of objective five will explore the subject of postponements in the Criminal Court of Baltimore City, examine progress which has been made, and analyze three model procedures designed to further enhance the orderly disposition of criminal cases.

Our analysis has been divided into two sections: the overall postponement situation, and the impact case postponement evaluation. A significant number of statistics, originally published in the interim report, have been brought up to date (January, 1973 - April, 1974). Charts III through XII are presented in their original form, incorporating postponement data for 1973. The impact section utilized the "5" + "6" designation for determining impact cases. Impact crime category defendants, minus the stranger to stranger aspect, have not been included. A major portion of objective five evaluation was provided by Mr. William Causey, and included in a paper submitted to Professor Michael Kelly at the University of Maryland Law School.

The financial and social costs of postponements on the administration of criminal justice has not received the attention which has been devoted to the problem in the field of civil litigation. As a result, in most jurisdictions sufficient data is not available from which concrete conclusions can be drawn. However, the dimensions of postponement costs in the Criminal Court of Baltimore City can be generally isolated and their impact briefly analyzed.

The most obvious demonstration of the costs of postponements is the loss of time and money when a criminal case is postponed. Postponements impose a burden on the Office of the State's Attorney, defense attorneys, police officers, civilian witnesses and the support agencies of the court (the Clerk's Office, inmate transportation facilities, courthouse detention facilities, and the general security system). Cost can be measured on civilian witnesses by the use of time and possible loss of salary or wages. Numerous postponements of a single case may incite witnesses to the point where they decline to return to court on the date the case is rescheduled. The potential seriousness of this point can be seen by noting that for the week of February 4, 1974 there were 28 cases postponed. Of these 28 cases, there were scheduled to appear as witnesses for the State 117 people, including police officers. This figure does not include those witnesses who were scheduled to testify on behalf of the defendant, information which is not readily available. In 1973 there were approximately 1,879 cases postponed. Of this figure, 353 cases or 18.8% were postponed because of the unavailability of State or defense witnesses. Although it is impossible to determine if this figure represents witnesses who failed to return to court for a subsequently scheduled trial date of a case previously postponed, it is likely that this was the factor in some instances.

Likewise, the cost to the Police Department because of fruitless trips to court by police officers is reflected in both salaries paid to the officers and the impact on police work outside the courthouse, such as disrupting normal street patrol schedules.

Furthermore, postponements have an adverse effect on defense attorneys. It is not uncommon for defense attorneys to exhaust an entire day moving from Part to Part waiting for a court to become free, only to find that the case must be postponed late in the afternoon because of insufficient time to start the trial. Last year 250 cases, or 13.3% of the total number of cases postponed were forced out of the normal trial assignment because they could not be reached. Since this reason was the second highest category for reasons why cases were postponed, it does present a serious problem.

Contrary to the logic that more time before trial enhances the prospects for the prosecutor and the defendant to reach an acceptable plea, postponements do not in the long run save court-time by facilitating plea bargaining. The fact that plea bargaining was in active progress accounted for the postponement of only 56 cases last year, or only 3.0%, does not appear to support the thesis that time is necessary for successful plea negotiation. The immediacy of trial is the best catalyst for plea bargaining and, therefore, fewer postponements would generate more successful plea negotiations rather than rescheduling the case for trial at a later date.

In contrast to plea bargaining, "lost convictions" are the most significant cost of postponements to those critical of the criminal justice system. Postponements prevent the speedy disposition of cases. Witnesses may die, memories may fade, and testimony may become more vulnerable to cross-examination. As mentioned above, witnesses may not return to court after viewing repeated failures to prosecute the defendant.

An Assistant State's Attorney attempting to dispose of an old case may be forced to offer the accused a reduction of the charge or halt prosecution altogether.<sup>1</sup> Thus, a defendant familiar with the attendant by-product of postponements will utilize postponements to delay or defeat prosecution.

The law of postponements in Maryland is relatively sparse and uninteresting. Only recently with the increase in appellate court decisions in the field of criminal procedure has the topic of postponements been given conscious judicial consideration. The expansion of due process rights of defendants has forced criminal courts with large caseloads to closely analyze the concurrent legal ramifications of postponements. Baltimore City is no exception.

While the right to a speedy trial is an express constitutional guarantee, there is no explicit constitutional provision which grants the defendant adequate time to prepare a defense.<sup>2</sup> Between these two concepts lie a great deal of ground, and the decision whether to grant or deny a postponement in a particular case may touch many issues of constitutional law, criminal procedure, and proper judicial administration. Consequently, before a detailed analysis of postponements in the Criminal Court of Baltimore City for 1973 can be discussed, it is helpful for the reader to understand how Maryland

<sup>1</sup>In 1973 the State's Attorney entered 2,913 nol prosses and stetted 1,965 cases out of a total of 11,014 proceedings in Baltimore City Criminal Court.

<sup>2</sup>Such a right, however, has been held implicit in the Due Process Clause of the Fifth Amendment. See De Meerleer v. Michigan, 329 U. S. 663 (1947), where the Supreme Court reversed the conviction of a seventeen year old defendant who was arraigned, tried, convicted of first degree murder, and sentence to life imprisonment in the same day.

appellate courts view the legal questions associated with postponements of criminal cases.

Prior to 1971 rulings on motions for postponements in the criminal courts of this State rested solely within the sound discretion of the trial judge.<sup>3</sup> Although the Court of Appeals and the Court of Special Appeals have repeatedly stated that such rulings would not be disturbed on appeal in the absence of an abuse of discretion by the trial judge, as a practical matter Maryland appellate courts apparently do not view the appellate argument of abuse of discretion in denying a postponement an issue of such proportions as to constitute grounds for reversible error.<sup>4</sup>

While defendants can be ingenious in putting forth arguments why a criminal case should be postponed, there are essentially select grounds over which the question of granting or denying a postponement has been debated. The inability of the defendant to secure his or her witnesses for trial is the most prevalent. At the same time, and because this issue is frequently raised, the grounds for reversing a denial of a motion for postponement because of the absence of defense witnesses is well settled. The appellate courts have consistently held that to show an abuse of discretion for failure to postpone a case because of the absence of a witness, the party requesting the postponement must show that the evidence to be given by the absent witness was competent and material, that the party believed the case could not be fairly tried without the evidence, that the party had reasonable expectation of

<sup>3</sup>See e.g., Costello v. State, 237 Md. 464 (1965); McKenzie v. State, 236 Md. 597 (1964); Mazer v. State, 231 Md. 40 (1963); Pedderson v. State, 223 Md. 329 (1960); Burley v. State, 8 Md. App. 702 (1970); Stallard v. State, 6 Md. App. 560 (1969); Harris v. State, 6 Md. App. 7 (1969); Wilkins v. State, 5 Md.

<sup>4</sup>In fact only one case has been reversed on the sole issue of denying a postponement. See English v. State, 8 Md. App. 330 (1969). For a brief discussion of this case, see page 9, infra.



securing the evidence within some reasonable time, and that he or she had made diligent efforts to secure the evidence.<sup>5</sup>

Friction between a defendant and his or her attorney at or prior to trial has also promoted appellate litigation. This problem is manifested when (1) the defendant wishes to discharge counsel on the day of trial, and (2) when the allegation is made by a defendant that counsel is not adequately prepared for trial.

With respect to the first point, the language of the Court of Special Appeals in Jennings v. State<sup>6</sup> is indicative of the Court's attitude toward the discharging of an attorney on the day of trial. In Jennings, the defendant requested that his attorney be discharged but gave no reason for his dissatisfaction. After noting that the record indicated the court-appointed counsel had adequately prepared the case, the Court said:

...It is well settled that the refusal to discharge court-appointed counsel in accordance with the wishes of a defendant does not constitute error where there is nothing in the record to suggest that the attorney had not competently represented his client. Johnson v. State, 237 Md. 283; Anderson v. State, 3 Md. App. 362; Miller v. State, 1 Md. App. 653. We think it altogether plain that appellant's request that he be permitted to discharge his court-appointed counsel and seek to retain private counsel was, under the circumstances, properly denied; to abide by appellant's request would be to subjugate the State's judicial process to the whim and fancy of the accused and thus enable him to frustrate the judicial process. Anderson v. State, supra, at pages 368-369.<sup>7</sup>

Likewise, in Pettiford and Berry v. State<sup>8</sup> the Court of Special

<sup>5</sup>See, e.g., Bryant v. State, 232 Md. 20 (1963); Dudonis v. State, 9 Md. App. 245, cert. denied, 258 Md. 727 (1970); Hainesworth v. State, 9 Md. App. 31, cert. denied, 258 Md. 729 (1970); Burley v. State, 8 Md. App. 702 (1970); Nichols v. State, 6 Md. App. 644 (1969); Clark and Richardson v. State, 6 Md. App. 91 (1969).

68 Md. App. 321 (1969).

<sup>7</sup>Id., at 323.

<sup>8</sup>8 Md. App. 560 (1970).

Appeals held that the trial court did not abuse its discretion in failing to grant a postponement to enable the defendant to obtain new counsel where his own counsel's appearance had been entered seven months earlier and, according to counsel, more than three months had elapsed since the defendant indicated that he wished to employ other counsel.

On the other hand, in English v. State<sup>9</sup> the same Court reversed the conviction of the defendant and held it was an abuse of discretion to deny a postponement where the defendant's privately retained attorney failed to appear for trial and the court ordered the defendant to trial with his attorney's son, also a member of the bar, who was prepared but spoke to the defendant only fifteen minutes before trial. The Court remarked that just as a trial court cannot permit a defendant to pick court-appointed counsel, once counsel has been chosen, whether by the court or the accused, the accused is entitled to the assistance of that counsel at trial. The Court also felt compelled to state it was "not unaware of the necessity for the expeditious disposal of cases, particularly in Baltimore City where the heavy caseload is a constant problem. But such necessity, no matter how compelling, cannot thwart the proper administration of justice".<sup>10</sup>

Only two cases have reached the Court of Appeals involving the allegation that defense attorneys have not been adequately prepared. In both cases the Court rejected the argument. Johnson v. State<sup>11</sup> involved a defendant charged with armed robbery who was represented by privately retained counsel from the time of arraignment some thirty days before trial and who was notified of the pending trial two weeks before the scheduled date. In McKenzie v. State<sup>12</sup> a postponement request was

<sup>9</sup>14 Md. App. 330 (1969).

<sup>10</sup>Id., at 337.

<sup>11</sup>237 Md. 283 (1965).

<sup>12</sup>236 Md. 597 (1964).

denied a defendant charged with sodomy when it was shown that counsel had been privately employed one month before trial and had conferred with the defendant one hour before trial.

The above-mentioned cases involved the question whether a trial judge had abused his or her discretion in denying a postponement. By Chapter 212 of the acts of 1971, the General Assembly removed from the trial judge the discretionary power of hearing motions for postponements and placed the responsibility with the administrative judge of the circuit where the trial is pending. The Act, effective July 1, 1971, is codified as Article 27, section 591 of the Annotated Code of Maryland.<sup>13</sup>

The essential purpose of section 591 was succinctly stated by the Court of Special Appeals in Young v. State<sup>14</sup> where the Court concluded that section 591 is directory and not mandatory, and that noncompliance with the statute does not warrant dismissal of an indictment. Judge Moylan, writing for the Court, observed:

An appreciation of the growing problem of criminal court backlogs on a nationwide scale makes evident the purpose of the Legislature in enacting the new provision. Prior to the new law, it was by no means certain what official or what agency bore the primary responsibility for managing and supervising the criminal trial docket.

<sup>13</sup>(a) Within two weeks after the arraignment of a person accused of a criminal offense, or within two weeks after the filing of an appearance of counsel or the appointment of counsel for an accused in any criminal matter, whichever shall occur first, a judge or other designated official of the Circuit Court or the Criminal Court of Baltimore City in which the matter is pending, shall set a date for the trial of the case, which date shall be not later than six months from the date of the arraignment of the person accused or the appearance or the appointment of counsel for accused whichever occurs first. The date established for the trial of the matter shall not be postponed except for extraordinary cause shown by the moving party and only with the permission of the administrative judge of the court where the matter is pending.

(b) The judges of the Court of Appeals of Maryland are authorized to establish additional rules of practice and procedure for the implementation of this section in the Criminal Court of Baltimore City and in the various circuit courts throughout the State of Maryland (1971, ch. 212.)

<sup>14</sup>15 Md. App. 707, affirmed, 266 Md. 438 (1972).

In many jurisdictions in this State, that responsibility was borne by the local State's Attorney's Office. The clear purpose of Section 591 is to fix that responsibility. It makes it plain that the court shall exercise supervisory control over the criminal assignment. It sets out guidelines for the court to follow in exercising its new (or newly articulated) administrative responsibilities. While the State's Attorney, as is his constitutional prerogative, maintains control over the handling of an individual case, the handling of the general criminal assignment rests with the court. This is consonant with its general right to control its own calendar.<sup>15</sup>

Eleven months after section 591 became effective, the Court of Appeals promulgated Rule 740 of the Maryland Rules of Procedure. Rule 740, designed to place Maryland courts squarely in conformity with the statute provides that "the date of trial and postponement shall be governed by Code, Article 27, section 591".

While all the judicial circuits observe section 591, however, the statute is not without its critics, and this is particularly so with respect to the provision for placing the discretionary authority of ruling on postponement requests with the administrative judge. The Maryland Judicial Conference and the Maryland State Bar Association in a report issued in March of this year<sup>16</sup> (hereinafter referred to as Committee Standards) recommend two fundamental changes with respect to section 591. First, the Committee Standards recommend the repeal by the legislature of section 591. In support of this recommendation, the Committee Standards comments:

In Section 591 the legislature established the important policy that all criminal defendants at the Circuit Court level should be tried within six months of a given date. The proposed rules are in no way inconsistent with that policy but seek to implement it

<sup>15</sup>Id., at p. 710.

<sup>16</sup>See the Joint Committees of Maryland Judicial Conference and Maryland State Bar Association to Implement the American Bar Association Standards for Criminal Justice; Committee Report on ABA Standards of Speedy Trial, March, 1974.

at both the Circuit and District Court level through more detailed provisions that are uniquely within the competence of the courts to adopt.

Secondly, the Committee Standards recommend the amendment of Rule 740 and the inclusion of the amended rule in the District Court Rules. The amended rule would read: "The court shall grant a continuance only upon a showing of good cause and only for so long as is necessary, taking into account not only the request or consent of the prosecution or defense, but also the public interest in the prompt disposition of the case".<sup>17</sup>

The basic change between Rule 740 and the proposed amendment is the deletion of placing postponement responsibility with the administrative judge. Presumably this responsibility would fall back to the trial judge as was the case prior to July 1, 1971.

<sup>17</sup>This language was lifted from Standard 1.3 of the American Bar Association Project on Minimum Standards for Criminal Justice: Standards Relating to Speedy Trial, (approved draft), February 1968.

## A. Procedure

As was the case in other jurisdictions of the State, prior to July 1, 1971 the trial judge in the various Parts of the Criminal Court had the judicial discretion to grant or deny postponements. With the passage of section 591 the Administrative Judge assumed the responsibility to hear motions for postponements. A centralized procedure for ruling on postponement requests was developed to implement the dictates of section 591 and Rule 740.

The procedure for postponing a criminal case is relatively simple. When a party deems it necessary to request a postponement, that party goes to the chambers of the Administrative Judge with opposing counsel and completes a form entitled "Criminal Assignment Postponement Form". The form supplies the judge with all relevant information necessary to evaluate the current status of the case. For example, the judge is informed of the age of the case, the nature of the charges, the location of the defendant, the estimated time for trial, whether the case has been previously postponed, the reason for the request, and all pending motions, such as speedy trial motions and outstanding intrastate or interstate detainers. Before the request is presented to the judge, his law clerk reviews the form to determine all necessary information has been supplied and that the opposing counsel is aware of the request. The parties then present the request to the judge who hears arguments on the merits and makes a ruling. If the request is denied the case goes to trial as scheduled. If the request is granted, the parties return to the law clerk who immediately reschedules the case through the Criminal Assignment Office.

Although the use of this centralized procedure has come under attack from some members of the Bench and Bar, it has withstood the movement to return postponement requests to the individual trial judges. There are

essentially four reasons why this procedure promotes the efficient administration of criminal justice. First, to permit postponement requests to be directed to the trial judges in the various Parts would disrupt the orderly and expeditious caseflow management. Not only would the trial judge be forced to stop the proceedings of his court which would add approximately 30 to 60 minutes to his daily courtroom time, but a system composed of twelve different procedures for postponements would invite confusion and delay for defendants, attorneys and witnesses. A centralized procedure, on the other hand, presents an orderly, consistent, and established mechanism which is known and understood by all parties who are part of the criminal justice system.

The second reason why the current procedure for postponements is more advantageous than permitting requests for postponements to be heard by the trial judge is that cases postponed are immediately rescheduled for a new trial date, thus prohibiting a postponed case to be "lost" in the system. It is obvious that a procedure which would complicate rather than simplify postponement rescheduling would enhance the possibility that cases would not be rescheduled quickly, or perhaps not rescheduled at all. Every case postponed in 1973, except in those instances where immediate rescheduling was impossible (such as commitment of the defendant for psychological evaluation which takes approximately 60 to 85 days), was rescheduled within three days from the date of postponement for a new trial date not exceeding fifty-seven days from the date of postponement. As a result adequate notice is provided the defendants, attorneys and witnesses so that their appearance on the new trial date is assured.

A centralized procedure also permits the Administrative Judge or his law clerk to "troubleshoot", i.e., attempt to explore, isolate and

eliminate those human errors in the system that needlessly force cases to be postponed. Table I reflects that of the 2,401 cases postponed 316 were for the reasons of inadequate case preparation, lack of effective communication, and inexcusable error and negligence. Because the Administrative Judge has ready access to the computers in the Clerk's Office and the Criminal Assignment Office mistakes can be quickly isolated and corrected. Furthermore, the Administrative Judge has developed lines of communications with personnel in positions of authority in agencies outside the immediate courthouse system.

Finally, channeling all postponement requests through the Administrative Judge insures the maintenance of a concrete, stable policy regarding the postponement of criminal cases on the part of the Supreme Bench. Not only does a centralized procedure present the fairest judicial policy toward all defendants and attorneys but provides for a continuing measurement of system performance plus a central vehicle for continuing consultation about system operation and improvement among the court, prosecutor, defense attorneys and other participants in the system.

#### B. Statistical Abstract

Table II reflects the volume of postponement request activity for January, 1973 through April, 1974 and represents the combined data for cases rescheduled, <sup>18</sup>postponed, refused and withdrawn.

<sup>18</sup>Rescheduled, as opposed to postponed, means those cases which were deleted from the master dockets prior to 28 days before the scheduled trial date. Scheduling normally occurs 30 to 60 days prior to the trial date and a computer notice is sent to the defense attorney and the prosecutor. Twenty-eight days prior to trial a second notice is issued by the computer which is sent to the defense attorney, the prosecutor, the bondsman or institution, and civilian and police witnesses. Consequently, cases pulled out prior to 28 days before trial do not present serious administrative problems and thus are designated separately.



Hearings on motions for postponements take approximately ten minutes although some requests can be decided in a matter of seconds if the need for a postponement is clear while others may run as long as one half hour. Using this approximation, we can compute that a total of 27,630 minutes or 460 hours were consumed last year in hearing postponement requests. Because there were 240 court days last year representing 1,680 active courtroom hours per judge, we can see that the Administrative Judge spent approximately 21.4% of each working day hearing motions for postponement.

A detailed computation of trial versus postponement activity can be seen in Tables III through XII. These tables represent the number of trials set, the number of defendants set, the number of cases postponed and the number of defendants postponed in the ten Parts under study. It should be observed that for the months of July and August Part VIII conducted criminal proceedings while Parts VI and VII were closed. In addition, it can be seen that Parts XI and XII did not become operational until July. However, the total statistics indicate the full activity of the various Parts for the entire year.

TABLE I.  
POSTPONEMENTS DUE TO HUMAN ERROR

Reason for Postponement	Number	Percent
Defendant not served or writ issued	29	1.2
Defendant not brought from BCJ or DOC	82	3.4
Defense Witness not served	7	.3
State Witness not served	39	1.6
Clerical error	100	4.1
Defendant without legal representation	31	1.3
Insufficient notice of trial date	28	1.1
TOTAL	316	13.0

TABLE II.  
POSTPONEMENT ACTIVITY JANUARY 1973 - APRIL 1974

Activity	Number	Percent
Trials Rescheduled	82	3.0
Trials Postponed	2,401	86.9
Requests Refused	250	9.0
Requests Withdrawn	30	1.1
TOTAL	2,763	100.0

TABLE III.

CASES SET

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	76	64	76	79	97	81	95	82	81	57	35	36	859
II	67	58	62	65	80	64	82	72	39	54	43	33	719
III	64	65	81	69	69	105	65	84	75	39	53	40	774
IV	76	62	86	83	113	78	83	96	60	69	53	39	898
V	62	56	67	64	82	83	75	87	54	39	25	27	721
VI	85	57	82	66	90	50	--	--	48	72	61	40	651
VII	73	62	64	65	93	72	--	--	55	92	78	74	728
VIII	--	--	--	--	--	--	41	38	--	--	--	--	79
IX	67	67	83	84	114	45	--	--	47	77	80	71	735
XI	--	--	--	--	--	--	85	74	61	53	51	38	362
XII	--	--	--	--	--	--	101	79	57	61	47	12	357
Total	570	491	601	575	674	538	646	603	582	627	513	404	6883

TABLE IV.

## CASES POSTPONED

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	19	7	5	21	21	25	19	14	16	8	6	12	173
II	13	12	11	10	14	11	13	18	19	10	8	9	148
III	11	12	10	8	23	9	15	24	11	17	18	8	166
IV	10	9	18	10	17	15	14	17	10	13	7	7	147
V	13	15	8	14	16	15	24	22	11	3	6	5	152
VI	17	14	7	13	20	17	--	--	6	9	9	17	129
VII	17	10	11	6	11	22	--	--	6	15	16	17	131
VIII	--	--	--	--	--	--	8	13	--	--	--	--	21
IX	13	7	5	12	15	0	--	--	5	12	12	9	90
XI	--	--	--	--	--	--	24	26	13	17	16	12	108
XII	--	--	--	--	--	--	29	13	13	11	8	2	76
Total	113	86	75	94	117	116	146	147	110	115	106	98	1341

TABLE V.

## DEFENDANTS SET

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	96	80	89	96	122	112	116	98	99	62	48	60	1078
II	80	63	68	75	93	87	101	88	94	84	47	41	921
III	90	91	87	119	87	93	87	44	68	56	61	52	957
IV	83	63	102	94	132	95	112	15	72	76	69	46	964
V	67	63	79	83	112	101	87	99	70	95	29	31	916
VI	103	72	92	72	125	61	--	--	61	82	64	49	781
VII	90	71	78	84	113	97	--	--	73	107	85	77	875
VIII	--	--	--	--	--	--	46	41	--	--	--	--	87
IX	77	77	92	104	135	49	--	--	68	92	85	75	854
XI	--	--	--	--	--	--	93	93	77	77	62	39	441
XII	--	--	--	--	--	--	137	87	68	66	61	12	431
Total	686	585	687	691	951	689	785	608	726	809	566	484	8305

TABLE VI.

## DEFENDANTS POSTPONED

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	22	7	6	32	25	32	23	18	18	9	6	16	214
II	13	20	14	13	16	15	15	18	21	11	12	13	181
III	12	31	10	8	30	11	18	18	15	20	28	10	211
IV	11	9	19	10	26	16	18	22	14	15	8	10	178
V	17	20	9	17	31	19	30	28	20	4	9	12	216
VI	21	18	9	15	20	17	--	--	9	10	10	24	153
VII	20	13	13	7	13	30	--	--	10	20	17	18	161
VIII	--	--	--	--	--	--	8	15	--	--	--	--	23
IX	13	12	8	13	23	0	--	--	10	18	14	10	121
XI	--	--	--	--	--	--	29	28	15	24	18	12	126
XII	--	--	--	--	--	--	39	14	17	11	11	3	95
Total	129	123	88	115	184	140	180	171	149	142	133	118	1679

TABLE VII.  
APPEALS SET

Par:	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov	Dec	Total
I	23	15	7	7	11	50	2	7	1	5	0	4	132
II	7	8	4	1	15	39	5	0	3	3	1	1	87
III	12	17	16	8	11	54	39	38	53	61	18	13	330
IV	22	10	13	9	13	56	46	45	49	66	22	31	388
V	8	8	0	7	10	51	47	36	37	45	5	18	272
VI	14	10	9	17	10	25	--	--	34	55	18	27	299
VII	10	12	2	2	16	32	--	--	27	66	17	29	213
VIII	--	--	--	--	--	--	16	10	--	--	--	--	26
IX	16	11	10	3	16	34	--	--	52	83	31	43	299
XI	--	--	--	--	--	--	34	38	33	54	14	26	199
XII	--	--	--	--	--	--	41	26	36	55	26	22	206
Total	90	88	61	54	102	341	230	200	315	493	152	214	2404

TABLE VIII.  
APPEALS POSTPONED

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	3	1	0	2	1	11	0	0	0	0	0	0	18
II	1	0	0	1	1	10	0	0	1	0	0	0	14
III	0	0	5	0	2	6	4	5	3	12	1	6	46
IV	2	0	3	0	0	5	3	2	8	8	3	3	34
V	1	0	0	1	0	7	8	5	7	9	2	5	45
VI	1	0	0	3	0	2	--	--	2	8	2	3	24
VII	1	0	0	0	2	8	--	--	3	8	5	3	30
VIII	--	--	--	--	--	--	2	0	--	--	--	--	2
IX	0	0	0	0	1	3	--	--	5	6	3	8	26
XI	--	--	--	--	--	--	8	5	4	6	1	7	31
XII	--	--	--	--	--	--	5	3	4	9	2	5	28
Total	9	6	8	7	7	52	30	20	37	66	19	40	298



**CONTINUED**

**1 OF 2**

TABLE IX.

## APPEALS - DEFENDANTS SET

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	26	15	8	7	14	52	2	7	1	5	0	4	141
II	7	9	4	1	15	42	4	0	3	3	1	1	90
III	12	26	17	10	11	54	40	39	44	61	18	13	345
IV	22	11	16	9	14	72	47	45	49	66	22	31	404
V	9	8	0	8	10	53	47	37	37	45	5	18	277
VI	14	10	9	17	10	30	--	--	34	55	18	24	221
VII	10	12	2	2	16	34	--	--	27	68	17	25	213
VIII	--	--	--	--	--	--	16	10	--	--	--	--	26
IX	16	11	11	3	19	36	--	--	52	83	32	43	306
XI	--	--	--	--	--	--	34	38	33	57	14	26	202
XII	--	--	--	--	--	--	41	27	43	55	26	22	214
Total	116	102	67	57	109	373	231	202	323	498	154	217	2439

TABLE X.

## APPEALS - DEFENDANTS POSTPONED

Part	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
I	3	1	0	1	2	11	0	0	0	0	0	0	18
II	1	0	0	1	1	10	0	0	1	0	0	0	14
III	0	2	5	0	2	6	5	5	3	12	1	6	47
IV	2	0	5	0	0	5	3	2	8	8	3	3	39
V	1	0	0	1	0	7	3	5	7	9	2	5	40
VI	1	3	0	3	0	2	--	--	2	8	2	3	24
VII	1	0	0	0	2	8	--	--	3	8	5	3	30
VIII	--	--	--	--	--	--	2	0	--	--	--	--	2
IX	0	0	0	0	1	3	--	--	6	6	3	12	31
XI	--	--	--	--	--	--	8	5	5	6	1	7	32
XII	--	--	--	--	--	--	5	4	4	9	2	5	29
Total	9	6	10	7	7	52	32	21	39	66	20	44	316

TABLE XI.

## WARRANTS

Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	13	29	30	152	183	167	168	87	156	300	174	174	1633
Postponed	0	0	8	25	32	31	46	64	59	59	35	37	396
Defendants Set	13	31	30	181	222	193	173	88	158	300	175	174	1738
Defendants Postponed	0	0	8	25	36	36	46	66	59	59	35	38	408

TABLE XII.

## CRIMINAL INFORMATION

Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	9	15	19	21	20	29	28	68	27	86	42	92	456
Postponed	0	2	0	1	5	11	3	9	3	12	10	23	79
Defendants Set	9	15	19	58	20	29	30	69	27	87	43	95	501
Defendants Postponed	0	2	0	7	5	11	3	9	3	12	10	23	85

The following table lists the reasons for postponements for all criminal cases during 1973, and for Impact cases postponed between November, 1973, and May, 1974. This particular period for Impact cases is used because Impact crimes were not designated as such until August 27, 1973, and would not come to trial in a considerable number until November, 1973. The percentages for all criminal cases postponed were outlined in the interim report. Only cases beginning with a "5" or "6" indictment or information number were used to determine the percentage of postponed Impact cases.

Overall, our findings reveal that the reasons for postponements vary negligibly between Impact and all criminal cases:

<u>Reason</u>	<u>All Cases</u>	<u>Impact Cases</u>
Defense attorney in another court	13.2	14.0
State witness not available	15.8	12.0
Case could not be reached	13.3	14.0
TOTAL	42.3	40.0

These three reasons account for a similar percentage of postponements for Impact cases, as well as all criminal cases.

TABLE A.

		Postponement Rate			
		March 1974	April 1974	May 1974	Total
DESIGNATED	Postponed	63	89	75	227
IMPACT	Scheduled	279	451	453	1183
CASES	Rate	22.6%	19.7%	16.6%	19.2%
TOTAL CASES	Postponed	599	584	683	1866
	Scheduled	2915	2823	3486	9224
	Rate	20.6%	20.7%	19.6%	20.2%

TABLE XIII.

## REASONS FOR POSTPONEMENTS

January 1973 to April 1974

Reason	Number	Percent
Illness or death in family of defendant	102	4.2
Illness or death in family of defense attorney	135	5.6
Illness or death in family of defense witness	60	2.5
Illness or death in family of state witness	141	5.8
Defense attorney striking appearance	15	.6
Defense attorney new in case	69	2.8
Defense atty. prior commitment (Inc. Rule 527B)	130	5.4
Defense attorney in another court	343	14.2
Defendant not served or writ issued	29	1.2
Defendant not brought from BCJ or DOC	82	3.4
Defense witness not served	7	.3
State witness not served	39	1.6
Defense witness not available	68	2.8
State witness not available	358	14.8
Guilty plea withdrawn or refused	17	.7
Plea bargaining in progress	73	3.0
Consolidation	67	2.8
Clerical error	100	4.1
New evidence/witness discovered by defense	32	1.3
New evidence/witness discovered by state	16	.7
Case could not be reached	323	13.3
Insanity plea filed	31	1.3
Polygraph test to be administered	17	.7
Defendant granted severance	9	.4
Defendant without legal representation	31	1.3
Insufficient notice of trial date	28	1.1
Inclement weather	19	.8
Miscellaneous (includes <u>Trader</u> decision)	80	3.3
TOTAL	2,421	100.0

Any study of the postponement of criminal cases must include an analysis of the reasons why cases were postponed. Not only is this information necessary for statistical reviews, but it provides the Administrative Judge with data essential to the formulation of future policies and procedures to either decrease the number of postponements or lighten the impact of postponements upon efficient caseflow management. Table XIII presents the reasons why cases

were postponed. It should be noted that only three categories\* represented 42.3% of the cases postponed. It should also be observed that certain categories, such as illness or inclement weather are factors which necessitate postponements.

When cases were postponed is also significant data from which policies and procedures can be developed. If a case is postponed before the day of trial problems associated with bringing to court defendants and witnesses can be avoided. As Table XIV indicates, 1084 cases or 43.7% were postponed or rescheduled before the actual day of trial. During the course of last year the Administrative Judge urged that if a postponement was to be requested such request should be brought to the court's attention at the earliest possible time.

Needless to say, it is sound policy that the trial of defendants incarcerated takes priority over the trial of defendants on bail or their own recognizance. Table XV indicates the number and percentage of cases postponed and rescheduled with respect to the defendant's location and demonstrates that the policy of reluctance to postpone jail cases was generally followed.

Any criminal justice system in a large metropolitan area which controls a heavy annual criminal caseload necessarily must expect some of that caseload to drop out of the system temporarily because of postponements. There were 11,014 criminal trials scheduled in the Criminal Court of Baltimore City in 1973. Of this figure 18.6% were postponed.

\*(Defense attorney in another court, State witness not available, Case could not be reached)

WHEN CASES WERE POSTPONED

Month	Total Cases Postponed or Rescheduled	Cases Postponed or Rescheduled Before Day of Trial	Percent
January, 1973	137	45	32.8
February, 1973	96	43	44.8
March, 1973	95	30	32.8
April, 1973	106	36	34.0
May, 1973	169	51	30.2
June, 1973	200	84	42.0
July, 1973	182	74	40.7
August, 1973	200	124	62.0
September, 1973	196	92	46.9
October, 1973	216	94	43.5
November, 1973	155	72	46.4
December, 1973	196	81	41.3
January, 1974	121	64	52.9
February, 1974	146	70	47.9
March, 1974	158	78	49.4
April, 1974	110	46	41.8
TOTAL	2,483	1,084	43.7

TABLE XV.

LOCATION OF DEFENDANT

Location	Number	Percent
Jail or DOC	926	37.6
Bail	1,342	54.5
Own Recognizance	103	4.2
Cannot Ascertain	91	3.7
TOTAL	2,462	100.0



## IMPACT POSTPONEMENTS

The impact postponement objective of 10% (number of postponements/ number of trials) is not being met. The rate for impact postponements as opposed to total postponements reveals similar results: a 20% postponement rate. A total of 17 impact offenders had their trials postponed more than once (Table E). Our data reveals that 83% of all impact postponements are requested within five days of trial; 58% occurring on the scheduled day of trial. A particular target area, in our view, is the Attorney Conflict list. At the present time, it lists the Supreme Bench schedules of attorneys involved in criminal procedures at that level. The expansion of this list to include District Court, and Federal jurisdictions would facilitate scheduling and significantly decrease postponements caused by attorney inter-court conflicts. We are interested in a Criminal Assignment Office estimate of financial and workload considerations in expanding the computerized print-out.

We see no alternative to the present system of requesting postponements through the office of the Chief Judge. A return to the prior procedure (individual courtroom judges) would destroy any progress that has been made in standardizing and centralizing the process. The trial judges must have sufficient time to perform their primary task: try criminal cases.

TABLE B

## POSTPONEMENT REASONS:

IMPACT

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ALL CASES

Reasons for Postponement	Percent of Total Cases Postponed	Percent of Impact Cases Postponed
Illness or death in family of defendant	4.2	2.0
Illness or death in family of defense attorney	5.6	3.0
Illness or death in family of defense witness	3.1	.0
Illness or death in family of state witness	4.1	10.0
Defense attorney striking appearance	0.6	.0
Defense attorney new in case	2.6	8.0
Defense attorney prior commitment	5.6	7.0
Defense attorney in another court	13.2	14.0
Defendant not served or writ issued	1.3	.0
Defendant not brought from BCJ or DOC	3.8	3.0
Defense witness not served	0.3	.0
State witness not served	2.0	1.0
Defense witness not available	3.0	4.0
State witness not available	15.8	12.0
Guilty plea withdrawn or refused	0.7	1.0
Plea bargaining in progress	3.0	3.0
Consolidation	3.0	.0
Clerical error	4.4	2.0
New evidence/witness discovered by defense	1.2	.0
New evidence/witness discovered by state	0.6	1.0
Case could not be reached	13.3	14.0
Insanity plea filed	1.1	2.0
Polograph test to be administered	0.8	1.0
Defendant granted severance	0.3	.0
Defendant without legal representation	1.1	.0
Insufficient notice of trial date	1.0	1.0
Inclement weather	1.0	.0
Miscellaneous	3.3	11.0
TOTAL	100.0	100.0

TABLE C

## Location of Impact Defendants and Co-defendants

Location	Number	Percent
Jail or DOC	56	52.9
Bail	29	27.3
Own Recognizance	4	3.8
Cannot Ascertain	17	16.0
TOTAL	106	100.0%

## DISTRIBUTION OF DAYS PRIOR TO TRIAL: IMPACT POSTPONEMENTS

Reasons for Postponement (in percent)

DAYS BEFORE TRIAL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	TOTAL
0	1%	1%	5%	4%	1%	8%	3%	1%	1%	5%	1%	3%	1%	1%	14%			1%	7%	58%
1-5	1%		5%	3%	2%	3%			2%	4%							1%		4%	25%
6-10		2%		1%		1%			1%	1%						2%				8%
11-15					1%	1%														2%
16-20					2%	1%				2%										5%
21-25					1%								1%							2%
TOTAL	2%	3%	10%	8%	7%	14%	3%	1%	4%	12%	1%	3%	2%	1%	14%	2%	1%	1%	11%	100%

IMPACT CASES: November 1973 - May 1974

Reasons for Postponement

- |  |  |
|--|--|
| 1. Illness, etc. of defendant            | 11. Guilty plea withdrawn or refused         |
| 2. Illness, etc. of defense attorney     | 12. Plea bargaining in process               |
| 3. Illness, etc. of state witness        | 13. Clerical error                           |
| 4. Defense attorney new in case          | 14. New evidence/witness discovered by State |
| 5. Defense attorney prior commitment     | 15. Case could not be reached                |
| 6. Defense attorney in another court     | 16. Insanity plea filed                      |
| 7. Defendant not brought from BCJ or DOC | 17. Polygraph test to be administered        |
| 8. State witness not served              | 18. Insufficient notice of trial date        |
| 9. Defense witness not available         | 19. Miscellaneous                            |
| 10. State witness not available          |  |

TABLE E  
Postponements Per Defendant

Number of Postponements	Number of Defendants and Co-defendants
1	89
2	15
3	2

Table F.  
Distribution of Reasons for Second and Third Postponement

Number of Postponements	Reasons for Postponement per Defendant								
	1	2	3	4	5	6	7	8	9
2	1	3	3	4	0	1	3	3	2
3	0	0	1	0	1	0	1	0	0

Reasons for Postponement

1. Illness, etc. of defense attorney
2. Illness, etc. of state witness
3. Defense attorney new in case
4. Defense attorney prior commitment
5. Defendant not brought from BCJ or DOC
6. State witness not served
7. State witness not available
8. Case could not be reached
9. Miscellaneous

Table 1 i

Time Interval: Arrest to Disposition

Test Variables: Postponements/No Postponements

No. of Days	Postponements		No Postponements		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	1	.2	15	3.2	16	3.4
90 - 119	2	.4	43	9.1	45	9.5
120 - 149	10	2.1	90	19.0	100	21.1
150 - 179	35	7.4	84	17.3	119	25.2
180 - 209	39	8.2	60	12.7	99	20.9
210 - 239	24	5.1	20	4.2	44	9.3
240 - 269	16	3.4	15	3.2	31	6.6
270 - 299	8	1.7	6	1.3	14	3.0
300 -	0	.0	5	1.1	5	1.1
TOTAL	135	28.5	338	71.5	473	100.0

	Postponements	No Postponements
Median:	195.5 Days	157.5 Days
Tendency Pattern:	54.8%: - 5 - 7 months	51.5%: - 4 - 6 months
Mean:	198.1 Days	161.6 Days

Table 8i

Time Interval: Suprême Bench To Disposition

Test Variables: Postponement/No Postponement

No. of Days	Postponement		No Postponement		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1-59	1	0.2	15	3.0	16	3.2
60-89	3	0.6	45	9.1	48	9.7
90-119	7	1.4	99	20.0	106	21.4
120-149	34	6.9	94	19.0	128	25.9
150-179	45	9.1	55	11.1	100	20.2
180-209	29	5.9	30	6.1	59	11.9
210-239	9	1.8	17	3.4	26	5.3
240-	8	1.6	4	0.8	12	2.4
Total	136	27.5	359	72.5	495	100.0

	Postponement	No Postponement
Median:	165.3 days	126.7 days
Tendency Pattern:	58.1% betw. 4&6 months	53.8% betw. 3&5 months
Mean:	166.1 days	129.8 days

## MODEL POSTPONEMENT PROCEDURES

### A. Over Scheduling

One way to prevent a docket in a particular Part from collapsing because of postponement of cases scheduled is to schedule more courtroom hours in that Part that can reasonably be conducted on a given day. For the sake of discussion this concept is referred to as overscheduling.

Overscheduling is not a new concept for the Criminal Court of Baltimore City. In 1973 there were 34,840 courtroom hours scheduled by the Criminal Assignment Office in the ten Parts under study.<sup>19</sup> Likewise, there were 10,313.52 hours of courtroom time available with 538.63 hours of courtroom time short and 84.51 hours of courtroom time in excess of courtroom hours available, thus representing an adjusted figure of 454.12 hours of courtroom time short.<sup>20</sup> The judges in the Criminal Court sat for a total of 9859.40 hours in 1973. Consequently, when this figure is compared to the number of trial hours scheduled by the Criminal Assignment Office, we find that 24,990.60 hours of trial time were overscheduled in 1973.

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<sup>19</sup> Trial time for a particular case is computed by multiplying .30 times the number of witnesses scheduled to testify for the State. If the trial is scheduled in a high impact court (Parts I and II) the trial time is multiplied by 2.

<sup>20</sup> Courtroom time available represents the number of courts operating times the number of hours judges in those courts were scheduled to sit. Courtroom time short and excess is the courtroom time available compared to the hours judges actually sat on the bench.

It should be emphasized that this statistic does not mean that a total of 24,990.60 hours of trial time were postponed. Much of this time was erased, in part, through nol prosses, stetts and dismissals of appeals. However, some of the overscheduling was absorbed by postponements.

Theoretically the overscheduling of trial time forces criminal courts to maximize courtroom time, and in this sense overscheduling is one means of expediting the disposition of criminal cases. Whether this is in reality true, however, does not erase the fact that overscheduling inflates the postponement rate by necessitating postponements of those cases that could not be reached on the date scheduled. Of the 1,879 cases postponed in 1973, 250 cases or 13.3% were postponed for this reason. But when we compare this figure to the total number of cases scheduled, we find that only 2.4% of those cases were postponed because they could not be reached. Thus, while overscheduling does inflate the number of postponements, the percentage of cases postponed due to overscheduling is virtually inconsequential.

Of course, other arms of the criminal justice system, such as the State's Attorney's Office, the Public Defender, and the Clerk's Office assume a greater preparation workload when criminal trials are overscheduled. But when we realize that only 2.4% of the cases scheduled

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<sup>21</sup> Although this figure is not available, a rough estimation can be made. Most of the cases postponed due to overscheduling were because they could not be reached, which accounted for 250 postponements last year. Furthermore, most of these cases were scheduled as jury trials. Generally, five hours of courtroom time are allotted for jury trials. Therefore, it can be estimated that 1,250+ hours of those overscheduled were absorbed through postponements.



last year were postponed because of overscheduling, it is apparent that the court has developed a periodic trial time estimation which is very close to actual trial time required by the volume of criminal cases. The current procedure of overscheduling in the Criminal Court of Baltimore City has proven to be a sound policy decision which should not be abandoned.

#### B. "DARK COURTROOM"

A second model procedure to reduce postponement rates is the concept of the "dark courtroom". This model envisions the availability of a court other than the established Parts of the Criminal Court to which those cases which can not be reached can be quickly transferred.

To the extent that the several civil courts of the Supreme Bench were occasionally utilized for the overflow of criminal cases the "dark courtroom" model is an operational reality. While figures are not available to indicate to what extent the several civil courts were used for this purpose last year, the use of civil courts was relatively infrequent. Policy considerations regarding the backlog of civil litigation and the undesirability to disrupt the schedules of the judges sitting in the various civil courts accounted for the infrequent use of the civil courts.

The expense of an additional courtroom is not warranted for this purpose. Our court observances, conducted in Parts I and II during January, February and March, 1974, revealed that the existing court space is not fully utilized. A more efficient use of the criminal parts currently available would decrease the number of postponements caused by a lack of court space.

### C. Individual Caseload Limitations

Usually the criminal defense bar is relatively small compared to the total number of practicing attorneys in a large urban jurisdiction. This fact generally means that the smallest number of attorneys specializing in litigation is handling the largest caseload in the jurisdiction, and Baltimore City is no exception. Even with the addition of the Office of the Public Defender in January of 1972 the number of lawyers who regularly practice criminal law is few.

This fact places a burden on the criminal justice system and aggravates the problem of postponements. Table XVI reflects that of the 1879 cases postponed last year 541 or 28.7% were postponed because of the inability of the defense attorney, for one reason or another, to appear and commence with trial.

TABLE XVI.

#### POSTPONEMENTS DUE TO ABSENCE OF DEFENSE ATTORNEY

Reason	Number	Percent
Illness or death in family of attorney	135	5.6
Attorney striking appearance	15	.6
Attorney new in case	69	2.8
Attorney's prior commitment	130	5.4
Attorney in another court	343	14.2
Defendant without attorney	31	1.3
Total	723	29.9

The impact of a small criminal defense bar upon the postponement rate in the Criminal Court of Baltimore City can also be reflected by examining the number of defense attorneys who filed appearances for trial. For the period between September 17 and November 10 last year 9,730 appearances were entered in the Clerk's Office by 512 attorneys. Of these 512 attorneys only 12 filed 1,979 of the 9,730 appearances entered. Thus, for the period mentioned 2.34% of the attorneys filed 20.27% of the appearances entered. While this statistic does not present an accurate picture of the percentage of attorneys scheduled to try cases set or scheduled to represent defendants set and, therefore, not indicating the impact on "people flow", it does give some indication of the severity of the existence of a small criminal defense bar on postponement rates.

One method to deal with this problem would be the adoption of a local rule restricting a defense attorney to a particular number of defendants he or she could represent during a given time period or limit the number of cases he or she could actively control in a given time period. Even though these two proposals are dissimilar, the advantages of either proposal are clear: (1) the number of postponements granted because of the unavailability of the defense attorney would be reduced; (2) greater efficiency in caseload management; and (3) faster disposition of cases due to reduced delay.

There are also possible disadvantages to the proposal to limit the number of defendants or cases a defense attorney may handle at a given time. The most obvious question is whether the existing defense bar of the metropolitan area could absorb the spread of the active criminal caseload. Furthermore, the proposal may place financial and personnel burdens on the Public Defender, the State's Attorney, and the court beyond the fiscal constraints which already exist. Finally, the proposal may present insurmountable constitutional hurdles.

Because the concept of caseload limitation is not new the constitutional questions involved in such a proposal have already reached the appellate level in Pennsylvania.<sup>22</sup> In 1972 the Court of Common Pleas of Philadelphia adopted local Rule 301 which prohibited a defense attorney from entering his appearance in a criminal case if the attorney represented ten or more defendants in cases where indictments were outstanding for more than twelve months and the cases had not been tried or the charges dismissed.

Immediately after the adoption of Rule 301 the court sought to implement the rule and prohibited a defense attorney from entering his appearance in a criminal case.<sup>23</sup> The Supreme Court of Pennsylvania accepted the

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<sup>22</sup> Moore v. Jamieson, \_\_\_\_\_ Pa. \_\_\_\_\_, 306 A.2d 283 (1973).

<sup>23</sup> The Court's opinion indicated that as of the date the suit in Moore was filed, the attorney had appearances entered in 99 criminal cases, 32 of which were more than one year old. The opinion does not state the total number of criminal cases more than one year old or what percent of cases more than one year old were handled by the attorney.

attorney's constitutional challenges to the rule<sup>24</sup> and held that Rule 301 was vague and overbroad. In doing so, however, the Court remarked:

...Unquestionably the greater the caseload of counsel the more imminent the possibility of scheduling conflicts which may well result in delays occasioned by counsel's unavailability. An unfettered right to accept criminal cases would permit an attorney to deliberately delay cases indefinitely and completely frustrate society's interest in the expeditious disposition of criminal matters.<sup>25</sup>

Apparently Rule 301 was redrafted to conform to the Court's decision. In July 1973 the Court of Common Pleas ordered that defense attorneys with 20 or more criminal cases which had not gone to trial within six months of indictment were prohibited from entering appearances in additional cases. The Court's move was in response to a backlog of 4,873 criminal cases.<sup>26</sup>

It is clear from the above discussion that there are serious legal and policy considerations involved in any attempt to limit the caseload of defense attorneys. But while this is apparent the proposal is a concept that should not be ignored. The Supreme Bench should closely examine the effect of the unavailability of defense attorneys on the postponement rate of criminal cases in particular and on the criminal justice system in general and implement a local rule if the problem so warrants.

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<sup>24</sup> The attorney argued that Rule 301 was constitutionally infirm because (1) it abridged the right of defendants to counsel or their choice in violation of the Sixth and Fourteenth Amendments; (2) was vague, overbroad, arbitrary and capricious; and (3) it placed an unfair burden on Black lawyers and defendants. Pa. \_\_\_\_\_, 306 A.2d at 287.

<sup>25</sup> Pa. \_\_\_\_\_, 306 A.2d at 289-90.

<sup>26</sup> See Philadelphia Bulletin, July 18, 1973

APPENDIX A  
CRIMINAL ASSIGNMENT  
POSTPONEMENT FORM

Date \_\_\_\_\_  
Indict.# \_\_\_\_\_ Date Indicted \_\_\_\_\_  
Asst. State's Atty. \_\_\_\_\_

Charge \_\_\_\_\_ Court Trial \_\_\_\_\_ Jury Trial \_\_\_\_\_

Date Arraigned \_\_\_\_\_ Bail \_\_\_\_\_ Jail \_\_\_\_\_

State vs. \_\_\_\_\_

Def. Attorney \_\_\_\_\_

Appointed \_\_\_\_\_ Date \_\_\_\_\_ Retained \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Co-Defendant \_\_\_\_\_

Def. Atty. \_\_\_\_\_

Previous Trial Dates \_\_\_\_\_

Trial Date \_\_\_\_\_ Part \_\_\_\_\_

Date Pre-tried \_\_\_\_\_ By: \_\_\_\_\_

HAS THE OPPOSING COUNSEL BEEN NOTIFIED  
OF THIS REQUEST? \_\_\_\_\_ WHEN \_\_\_\_\_

Postponement requested by \_\_\_\_\_  
(Signature)

Reason: \_\_\_\_\_

Action: \_\_\_\_\_

New Trial Date \_\_\_\_\_ Part \_\_\_\_\_

OBJECTIVE SIX

Objective Six: Court sessions will begin at 10 a.m. Cases will follow immediately one after another.

The evaluation of objective eight focused on the question of whether the impact courts were distinguishing themselves, procedurally, from other criminal courtrooms of the Supreme Bench. Efficient courtroom procedure connotes regular hours (10:00 a.m. starting time) and an expeditious flow of cases. The analysis consisted of:

- 1) in-court observations conducted during the months of January and February, 1974;

- 2) auditing of daily courtroom docket sheets for the months of January, February, and May, 1974. Particular attention was accorded to time entries i.e. starting time, finishing time, etc.

Our interpretation of the objective, in stating "court sessions will begin at 10 a.m.," is that the judge will enter the courtroom at that time, and the bailiff will call the court to order. 10 a.m. start time does not refer to the point at which the court reporter records his first entry, the defendant enters the courtroom, or when the judge meets with the attorneys involved in an upcoming matter.

#### Data and Observation Analysis

There is little evidence to support the belief that the impact courts are distinguishing themselves in this area. During the months of January and February, we observed inactive courtroom at 10:00 a.m. on 19 occasions. Of a more distressing nature are the significant discrepancies between our observations and the time notations recorded on the daily docket sheets. Oftentimes, a courtroom we personally viewed as inactive at 10:00 a.m., had recorded a 9:50 or 9:55 start time. We understand the problems involved in running an efficient courtroom; these difficulties, reflected in wasted court time, should be accurately recorded. According to the dockets, Part I, during the month of May, began proceedings earlier than



10:00 a.m. every court day.

Part II dockets reflected late starts on three occasions. In aggregate figures, Part I totalled 260 surplus minutes (total minutes court began before 10:00 a.m.) for the month of May; Part II recorded a deficit of 40 minutes for the corresponding time interval.

The second part of the objective relates to the amount of time involved between the disposition of one case and the beginning of the next proceeding. Again, we encountered evaluation difficulties. The daily docket sheet entries are imprecise in noting time between proceedings; usually, the second incident starts the minute after the first one had ended, e.g. a 10:30-10:45 disposition might be followed by a 10:45-11:30 court trial. We realize the possibility of such a rapid transition; it is doubtful, however, that it occurred as regularly as the docket sheets would have one believe. According to the docket, Parts I and II, during the entire month of May, recorded an aggregate sum of 10.9 wasted hours while awaiting the beginning of the next proceeding. This is a conservative estimate, at best. An additional factor would be the wasted time during recesses. Again, this is not recorded (Recesses, in this context, do not refer to lunch breaks but to time lost in the midst of a courtroom proceeding).

In estimating total courtroom time during May of 1974 for Parts I and II, we formulated the following models of procedure:

- 1) the court day should begin at 10:00 a.m. and break for lunch at 12:30;
- 2) the afternoon session should begin at 2:00 p.m. and continue until 5:00 p.m.;
- 3) taking into account 1/2 hour for appropriate recess time, we considered "five hours sitting time" reasonable.

According to the dockets sheets, the impact courts (Parts I and II) were in session for 162.78 hours during May. There were 220 hours "available" to the courts (twenty-two calendar days x ten hours per day).

Courtroom delay cannot be attributed entirely to judicial laxness. Several issues dealing with postponements apply equally to in-court operation. The failure of an attorney, or witness to appear on time retards effective caseflow. Unexpected guilty pleas disrupt the day's schedule, as do unanticipated stets or nol prosses. The inefficient transfer of defendants from the city jail is often responsible for interrupted dockets. We cannot fault one individual; inefficiency is a result of related court agencies' errors and misfeasance. We urge, however, that sitting judges exercise their authority in:

- 1) limiting extended lunch "hours".
- 2) utilizing as much pre - 10:00 a.m. time as possible for negotiations and attorney discussion.

Efficient caseflow is a result of strictly enforced in-court procedure and an orderly transfer of cases from other courts.

Unanticipated stets and nol prosses lead to disrupted court dockets. The void created by the nol crossing of a defendant in a scheduled three day jury trial must be filled by transferred cases from other courts. In a majority of cases, the prosecutor cannot predict a stet, or nol pros; the immediacy of trial brings all issues to a head. The defendant might decide to plea bargain; a key witness might choose to alter his testimony. In relation to this issue, the States' Attorney's Office has provided us with a breakdown of the stet-nol pross situation for the months January through February, 1974. We chose to separate those stets and nol prosses that took place in the impact courts, Parts I and

II, in order to compare and contrast them with similar proceeding throughout the criminal courts. We observed no significant difference between the reasons for stets and nol prosses in the impact courts as opposed to those occurring in other parts (See Chart).

Our attention focused on those stets/nol prosses that might be screened out prior to the trial date; early notification would facilitate an orderly docket. Statistics relating to nol pross/stet identification prior to trial date are not available. Consequently, we were forced to estimate this data from the reasons provided by the States' Attorney. The following percentages of stets and nol prosses (Table III) appear either identifiable prior to trial date, or due to human error. It should be noted that we have totally excluded those stets/nol prosses whose reasons would indicate that prior knowledge is unattainable. For example, those cases falling under the heading "conviction in companion cases," totalling 37.3% of all stets and nol prosses, were not considered; please note, however, that a certain percentage of those cases undoubtedly could be identified prior to the date of trial. Similarly, a percentage of cases we have selected as "early identification" might have been determined on the day of trial.

According to our estimation, 34.4% of all stets and nol prosses are identifiable prior to the date of trial. Recognition alone, however, will not solve the problem; the lines of communication between court agencies must be open enough to permit a free flow of information. In particular, attention should be focused upon the Public Defender, the States' Attorney and the Criminal Assignment Office (Objectives two and three deal specifically with this issue).

Percentages of Stets/NoI Prosses IdentifiabIe Prior to Trial Date

Reasons	Parts I & II January - May 1974		All Parts January - May 1974	
	Number	% of total	Number	% of total
3	1	.9	12	1.0
4	1	.9	8	.7
8	2	1.9	20	1.7
9	2	1.9	29	2.5
10	0	0	81	6.9
12	2	1.9	8	.7
13	2	1.9	16	1.4
14	4	3.8	64	5.5
15	16	15.1	164	14.0
Total	30	28.3	402	34.4

Table II

## REASONS FOR STETS and NOL PROSSES

Reasons	PARTS I and II		ALL PARTS	
	January - May 1974		January - May 1974	
	Number	Percent	Number	Percent
1	44	41.5%	437	37.3%
2	6	5.7%	75	6.4%
3	1	.9%	12	1.0%
4	1	.9%	8	.7%
5	5	4.7%	55	4.7%
6	0	0%	16	1.4%
7	5	4.7%	86	7.3%
8	2	1.9%	20	1.7%
9	2	1.9%	29	2.5%
10	0	0%	81	6.9%
11	4	3.8%	13	1.1%
12	2	1.9%	8	.7%
13	2	1.9%	16	1.4%
14	4	3.8%	64	5.5%
15	16	15.1%	164	14.0%
16	12	11.3%	87	7.4%
TOTAL	106	100.0%	1,171	100.0%

## REASONS

- |   |  |
|---|--|
| 1. Conviction in Companion Case               | 9. Documented Request of Law Enforcement Agency                    |
| 2. Conviction in Unrelated Case               | 10. Documented Refusal or Reluctance of Victim to Prosecute        |
| 3. Psychological Condition of Defendant       | 11. Exchange for Testimony Against another more culpable defendant |
| 4. Psychological Condition of Victim          | 12. Improper Indictment as to Form                                 |
| 5. Non-reliable State's Witness               | 13. Improper Indictment as to Substance                            |
| 6. State witness changed or altered Testimony | 14. Lack of Jurisdiction (change of law)                           |
| 7. Unable to locate key State's Witness       | 15. State's evidence legally insufficient                          |
| 8. Legal Defense (Chemical Analysis (etc.))   | 16. Other  |

Table 1 g

Time Interval: Arrest to Disposition

Test Variables: Trial to Completion/Stet or Nol Pros

No. of Days	Trial to Completion		Stet or Nol Pros		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
1 - 89	5	1.1	11	2.4	16	3.4
90 - 119	24	5.1	20	4.3	44	9.4
120 - 149	78	16.7	21	4.5	99	21.2
150 - 179	88	18.8	31	6.6	119	25.4
180 - 209	70	15.0	27	5.8	97	20.7
210 - 239	34	7.3	10	2.1	44	9.4
240 - 269	20	4.3	10	2.1	30	6.4
270 - 299	8	1.7	6	1.3	14	3.0
300 -	2	.4	3	.6	5	1.1
TOTAL	329	70.3	139	29.7	468	100.0

	Trial to Completion	Stet or Nol Pros
Median:	169.7 days	167.4 days
Tendency Pattern:	50.4%: - 4 - 6 months	56.8%: - 4 - 7 months
Mean:	173.4	168.4

Table 8 G

Time Interval: Supreme Bench to Disposition

Test Variables: Trial Completion vs Stet or Not Pros

No. of Days	Trial Completion		Stet or Not Pros			
	No. of Defs.	%	No. of Defs.	%	Total Defs.	%
1-59	8	1.6	8	1.6	16	3.3
60-89	23	4.7	23	4.7	46	9.4
90-119	79	16.1	27	5.5	106	21.6
120-149	90	18.3	38	7.7	128	26.1
150-179	82	16.7	18	3.7	100	20.4
180-209	39	7.9	18	3.7	57	11.6
210-239	18	3.7	8	1.6	26	5.3
240-	6	1.2	6	1.2	12	2.4
Total	345	70.3	146	29.7	491	100.0

	Trial Completion	Stet or Not Pros
Median:	141.3 days	131.8 days
Tendency Pattern:	72.8%: 2-5 months	60.3%: 2-5 months
Mean:	N.D.	N.D.

B. In-court Observations: subjective comments

Our in-court observations of Parts I and II conducted during the months of January and February, 1974, revealed extensive neglect for the needs and comfort of witnesses, ~~jurors~~, and victims. Sequestered witnesses (prosecution and defense) are forced to sit on wooden benches in the dark halls of the courthouse. They often wait for hours before testifying; occasionally, they are asked to return the next day to continue their vigil. In one particularly alarming instance, a young rape victim was forced to wait alone in the halls for three days; the defendant's friends and family were within whispering range (State of Maryland vs. John Bethea).

Jurors form indelible impressions from uncomfortable courtroom appearances. They are forced away from their employment, and provided with minimal compensation. Witnesses are often required to arrange child care services for their children; their day in court, if they are fortunate enough to have only one day, results in a considerable loss of money and time. In one out of every five cases, they are apologetically informed that the case has been postponed. The courts cannot afford to alienate the public:

In recent years, there has been concern, that the average citizen identifies himself less and less with the criminal process and its officials. In particular, citizens have manifested reluctance to come forward with information, to participate as witnesses in judicial proceedings, and to serve as jurors. The causes of the negative attitudes are many and complex, but some aspects of the problem may be traced directly to the treatment accorded witnesses and jurors.<sup>1</sup>

<sup>1</sup>The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Courts, p. 90.



We realize the difficulty in obtaining space in an already overcrowded courthouse. The necessity, however, of providing adequate facilities for witnesses prior to testifying is of such importance that the additional squeeze on existing facilities must be absorbed. The inherent strain of cross-examination must not be compounded by an uncomfortable pre-trial wait. This room (s) should be equipped with sufficient reading material, ashtrays, and an attendant.<sup>2</sup> One possible solution is the utilization of empty jury rooms, or dark courtrooms. The Coordinating Council will continue to look into this problem and work with Judge Foster in formulating a viable alternative to the existing problem.

<sup>2</sup>For a detailed analysis of Courtroom Physical Facilities, see National Advisory Commission on Criminal Justice Standards and Goals, The Courts, p. 196.

OBJECTIVE SEVEN

Objective Seven: The pre-sentence report will be completed by the Division of Parole and Probation within fourteen days after request is received.

The pre-sentence report procedure was divided into two separate functions:

- 1) the period between the request for the report and its filing with the criminal clerk (Tables 6a, b, c);

- 2) the time interval between the filing of the report and the disposition of the case.

Both divisions were tested with respect to new trial motions, co-defendants and criminal part; the objective refers specifically to pre-sentence report requests from Parts I and II (see Table 6a, 7a).

Data collection difficulties were encountered; the Clerk's Office does not record all filing dates of pre-sentence reports. Often, requests were made, and disposition dates were recorded without a record of the filing date. We must also assume that a slight delay exists between the completion of the report and its filing at the Clerk's Office.

#### B. DATA ANALYSIS

We must commend the Division of Parole and Probation for their efforts. Pre-sentence reports were filed within sixteen days for 81% of all Impact Court cases (Table 6a). The overall mean for Impact Court cases was 17.5 days, while the median was 15.2 days. In comparing data between Impact and non-impact defendants, we observed that emphasis is afforded to Impact cases.

Our "new trial motion" analysis (Table 6b) monitors the effect of a delayed request for the pre-sentence report; the report is not called for

until the new trial motion has been denied. Although one would assume that a case involving co-defendants would retard the speedy delivery of the report, we observed that this is not the case. Consequently, we conclude that the Probation Division is identifying trouble cases effectively, and applying the necessary investigatory manpower.

The second area of analysis concerned the time interval between the filing of the pre-sentence report with the Criminal Clerk, and the disposition of the case. The advantages gained from a report completed within the stated time period are lost when the disposition does not occur soon after the filing date. Summary data has indicated an average of 18 days transpired between the filing of the report and the disposition of the defendant. This figure is reduced to 16.8 days(mean) in the Impact Courts. A combined total of 38 days, on the average, are consumed by the total procedure.

The Division of Parole and Probation has consistently supplied pre-sentence reports within the required time allotment. The Criminal Assignment Office should take this into consideration when scheduling dispositions. A disposition scheduled twenty-one days from the pre-sentence report request date would provide adequate time for both the completion of the report and its review by the judge. The Division of Parole and Probation would have the responsibility of notifying the Assignment Office of any schedule deviation. By following this procedure, an average of 17 days (maximum) would be trimmed from the arrest through disposition time interval. We welcome comments from the Assignment Office regarding implementation of this procedure.

Table 6A

Time Interval: PRESENTENCE REPORT REQUEST DATE-FILING OF PRESENTENCE RPT.

Test Variables: IMPACT COURT/NON IMPACT COURT

No. of Days	IMPACT COURT		NON-IMPACT CT.		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	1	0.8	6	4.6	7	5.4
11-13	8	6.2	8	6.2	16	12.3
14-16	17	13.1	19	14.6	36	27.7
17-19	0	0.0	10	7.7	10	7.7
20-22	1	0.8	16	12.3	17	13.1
23-25	0	0.0	10	7.7	10	7.7
26-28	0	0.0	11	8.5	11	8.5
29-31	2	1.5	9	6.9	11	8.5
32-34	0	0.0	6	4.6	6	4.6
35-	3	2.3	3	2.3	6	4.6
TOTAL	32	24.6	98	75.4	130	100.0

	IMPACT COURT	NON-IMPACT COURT
Median:	15.2 days	21.9 days
Tendency Pattern:	53.1%: 14-16 days	56.1%: 14-25 days
Mean:	17.5 days	20.9 days

Table 6B

Time Interval: Presentence Report Request Date-Filing of Presentence Rpt.

Test Variables: New Trial Motion/No New Trial Motion

No. of Days	New Trial Motion		No New Trial Motion		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	0	0.0	8	6.1	8	6.1
11-13	3	2.3	13	9.9	16	12.2
14-16	1	0.8	35	26.7	36	27.5
17-19	1	0.8	9	6.9	10	7.6
20-22	1	0.8	16	12.2	17	13.0
23-25	1	0.8	9	6.9	10	7.6
26-28	1	0.8	10	7.6	11	8.4
29-31	0	0.0	11	8.4	11	8.4
32-34	0	0.0	6	4.6	6	4.6
35-	0	0.0	6	4.6	6	4.6
TOTAL	8	6.1	123	93.9	131	100.0

	New Trial Motion	No New Trial Motion
Median:	16.0 days	19.0 days
Tendency Pattern:	50.0%: 11-16 days	48.8%: 14-22 days
Mean:	18.0 days	20.0 days

Table 6C

Time Interval: Presentence Report Request Date-Filing of Presentence Rpt.

Test Variables: Codefendant/No Codefendant

No. of Days	Codefendant		No Codefendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	1	0.8	7	5.3	8	6.1
11-13	5	3.8	11	8.4	16	12.2
14-16	15	11.5	21	16.0	36	27.5
17-19	4	3.1	6	4.6	10	7.6
20-22	10	7.6	7	5.3	17	13.0
23-25	3	2.3	7	5.3	10	7.6
26-28	6	4.6	5	3.8	11	8.4
29-31	3	2.3	8	6.1	11	8.4
32-34	0	0.0	6	4.6	6	4.6
35-	0	0.0	6	4.6	6	4.6
TOTAL	47	35.9	84	64.1	131	100.0

	Codefendant	No Codefendant
Median:	19.2 Days	18.5 Days
Tendency Pattern:	61.7%: 14-22 Days	53.5%: 11-22 Days
Mean:	19.1 Days	20.4 Days

Table 7A

Time Interval: Presentence Report Filing to Disposition

Test Variables: Impact Court/Non-Impact Court

No. of Days	Impact Court		Non-Impact Court		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	13	10.3	23	18.3	36	28.6
11-13	2	1.6	10	7.9	12	9.5
14-16	3	2.4	13	10.3	16	12.7
17-19	1	0.8	15	11.9	16	12.7
20-22	2	1.6	8	6.3	10	7.9
23-25	1	0.8	4	3.2	5	4.0
26-28	1	0.8	8	6.3	9	7.1
29-31	3	2.4	7	5.6	10	7.9
32-34	1	0.8	2	1.6	3	2.4
35-	3	2.4	6	4.8	9	7.1
TOTAL	30	23.8	96	76.2	126	100.0

	Impact Court	Non-Impact Court
Median:	13.0 Days	17.3 Days
Tendency Pattern:	50.0%: 0-14 Days	34.4%: 0-14 Days
Mean:	16.8 Days	18.3 Days



Table 7B

Time Interval: Presentence Report Filing Date to Disposition

Test Variables: New Trial Motion / No New Trial Motion

No. of Days	New Trial Motion		No New Trial Motion		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	2	1.6	34	26.8	36	28.3
11-13	0	0.0	12	9.4	12	9.4
14-16	0	0.0	16	12.6	16	12.6
17-19	2	1.6	14	11.0	16	12.6
20-22	1	0.8	9	7.1	10	7.9
23-25	0	0.0	5	3.9	5	3.9
26-28	0	0.0	9	7.1	9	7.1
29-31	2	1.6	9	7.1	11	8.7
32-34	0	0.0	3	2.4	3	2.4
35-	1	0.8	8	6.3	9	7.1
TOTAL	8	6.3	119	93.7	127	100.0

	New Trial Motion	No New Trial Motion
Median:	19.0 Days	15.7 Days
Tendency Pattern:	Not Significant	38.7%: 0-14 Days
Mean:	22.9 Days	17.7 Days

Table 7 C

Time Interval: PRE-SENTENCE REPORT - FILING DATE TO DISPOSITION

Test Variables: Co-Defendant/ No Co-defendant

No. of Days	Co-defendant		No Co-defendant		Total	
	No. of Defs.	%	No. of Defs.	%	Defs.	%
0-10	15	11.8	21	16.5	36	28.3
11-13	2	1.6	10	7.9	12	9.4
14-16	8	6.3	8	6.3	16	12.6
17-19	5	3.9	11	8.7	16	12.6
20-22	4	3.1	6	4.7	10	7.9
23-25	4	3.1	1	.8	5	3.9
26-28	3	2.4	6	4.7	9	7.1
29-31	3	2.4	8	6.3	11	8.7
32-34	0	0	3	2.4	3	2.4
35-	1	.8	8	6.3	9	7.1
TOTAL	45	35.4	82	64.6	127	100.0

	Co-defendant	No Co-defendant
Median:	15.4 days	17.4 days
Tendency Pattern:	37.7%: 0-14 days	37.8%: 0-14 days
Mean:	15.9 days	19.2 days

OBJECTIVE EIGHT

### Objective 8

To increase the number of Impact cases brought to trial when compared to the number of Impact cases brought to trial before the Impact Courts went into operation.

In evaluating this objective, we posed the following questions:

1. Is the Supreme Bench handling more criminal cases as compared to pre-July, 1973?

2. If so, is this directly attributable to the addition of two more courts, or has overall efficiency in scheduling and case processing increased?

Our analysis focused on the Supreme Bench before, and after the installation of the Impact Courts. As representative months, we chose April and May, 1973, and April - May, 1974. In answering our first question, we measured the aggregate number of filings closed (criminal information, indictment, appeals, warrants, stets and nol prosses). The necessary data was obtained from the monthly statistical summaries prepared by the State's Attorney's Office; these reports offer breakdowns of each court in regard to overall caseload movement, jury/court trial analysis, postponement figures, and conviction rates.

Our second question presented a plethora of problems; each criminal court operating during the sample months required auditing in relation to the number of court trials, jury trials and the total trial caseload. For this purpose, we utilized the computer printed-manually updated daily docket sheets located in the Clerk's Office and the Criminal Assignment Office. The following procedure was followed:

1) The total number of court trials per part per day was obtained for the four sample months;

2) The total number of jury trials per part per day was determined for the months specified (a jury trial lasting two days was considered two "jury trial days"). This procedure was designed to monitor the effect of extended jury trials as opposed to shorter court trials. In recognizing the terminology of the objective, only Impact crime category trials were audited (murder, rape, burglary, robbery, and aggravated assault).

#### Analysis of Data

Strictly speaking, the objective is being fulfilled; more Impact cases are being brought to trial (Table B).

Table A

#### Criminal Court Composition: Data Base

Interval	No. of Normally Operating Criminal Courts	Calendar Days	Total Parts (days x parts)	Unavailable Data (parts)	Net Court Days x parts Available for Evaluation
April-May 1973	8	37	296	8	288
April-May 1974	10	40	400	10	390

Table B

#### Trial Data (Impact crime category cases)

Interval	Court Trials	Jury Trials (5 day jury trial = 5)	Total Trials	% Jury
April-May 1973	189	152	341	44.42
April-May 1974	233	179	412	43.20

(18% increase in jury trial days during 1974)

More closed filings were recorded for the months of April and May, 1974 than for that time period in 1973. It should be noted that "filings closed" refers to all charges, including non-impact crimes. The court and jury trial data deals only with Impact crime category cases:

Table C  
Filings and Trial Data

Interval	Total Filings Closed	Filings Closed Per Part	Court Trials per part per day (average)	Jury Trials per part per day (average)	Trials Per Part Per Day
April-May 1973	1,555	194.4	.656	.527	1.183
April-May 1974	1,630	163.0	.597	.456	1.053

Our analysis of question one revealed that the total trial and filing caseload had increased in the two months surveyed in 1974 while each individual criminal court had not reached 1973 efficiency levels. The tremendous decrease in open cases between July, 1973, and June, 1974, ( Chart 1 ) compounded our surprise at this disclosure of decreasing efficiency. We formulated three possible reasons:

1. An increasing stet and nol pros rate, while not affecting our trial data (stets and nol prosses were not considered trials), had significantly decreased the level of open cases;

2. An increasing level of jury trials in 1974 decreased the overall capacity of the courts to close more cases in an equivalent amount of time. The Douglas Arey jury trial, for example, consumed the entire month of April, 1974 in Part IV. Part IV recorded 21 closed cases during that month; during April of 1973, Part IV disposed of 121 cases;

3. A change in judges would affect the caseload rate. Some judges are "faster" than others. Unfortunately, this variable cannot be measured empirically.

The number of Impact jury trial days increased from 152 during April and May of 1973 to 179 during the corresponding two-month interval of 1974 (an 18% increase). An uncharted variable was the number of non-impact jury trials; all jury trials have a direct bearing on the amount of available court time in which Impact cases might be heard.

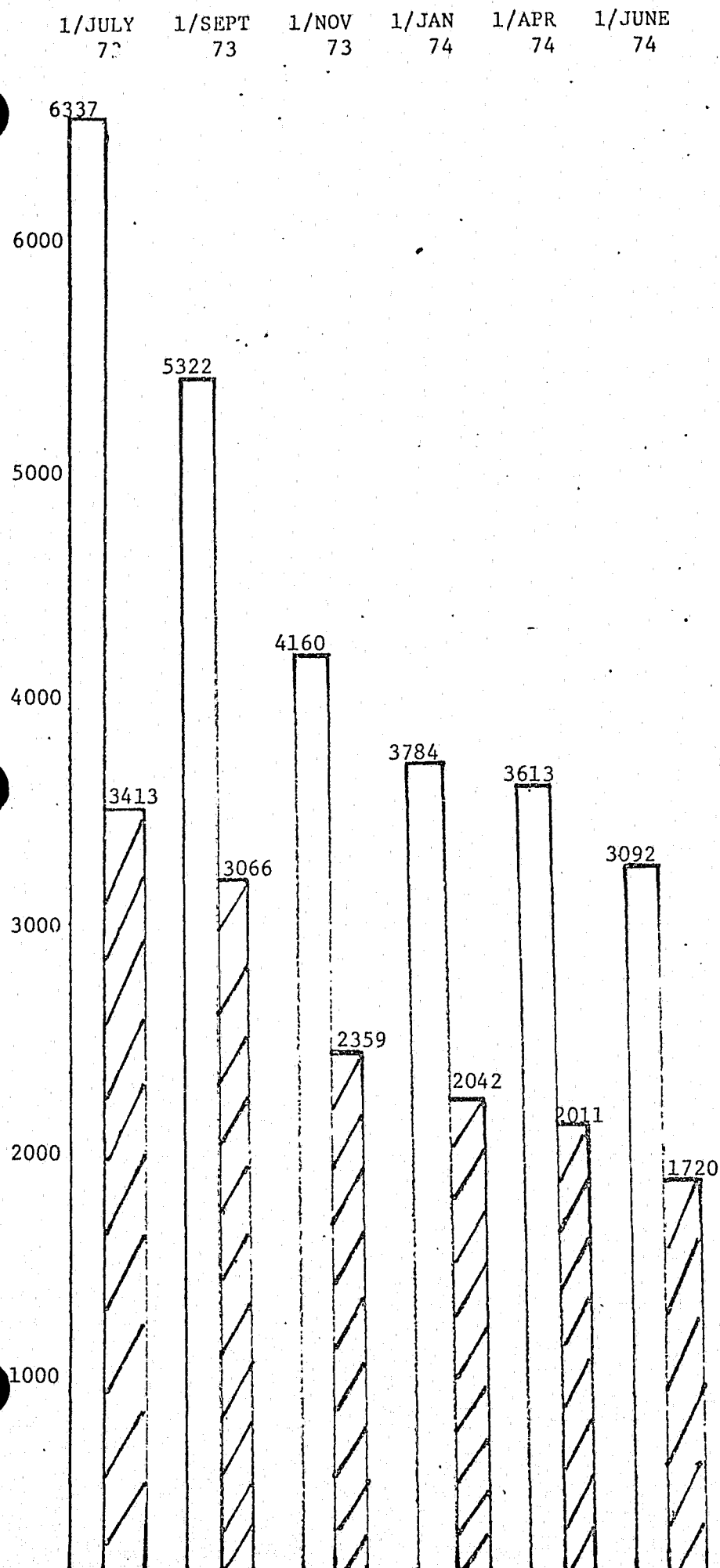
In channelling difficult, time-consuming jury trials through Parts I and II, the Criminal Assignment Office attempted to free other criminal courts from the burden of jury proceedings. Theoretically, "express lane" courts were created. This scheduling philosophy has been disrupted by a proliferation of jury trial requests; perhaps a more flexible scheduling policy is called for.

We consider it reasonable to assume that had the jury boom occurred during April and May of 1973, the courts efficiency rating would have corresponded to the 1974 level. The disparity between 1973 "trial per part per day" (obtained by dividing the total trials by available parts during a specific time interval) is not significant enough to warrant alarm. It indicates, however, that scheduling philosophies must be malleable in adjusting to strains upon the courts.

CHART 1

## TREND OF OPEN CASES

## LEGEND

CHARGING DOCUMENTS  
DEFENDANTS

Of the June 1 figures  
1876 Documents and  
1027 Defendants have  
Trial Dates already  
scheduled within  
the next 60 days.



## B. DAILY DOCKET ACTIVITY

The Coordinating Council's Interim Court Evaluation included an analysis of daily docket activity for the period July, 1973, through February, 1974. The following charts and tables update that material. All information was manually retrieved from the daily docket sheets, Parts I and II. Our findings correspond favorably to those stated in the Interim report. Briefly, they include:

- The first-in, first-out jail policy is being followed (Table A, Exhibit A). A significant percentage of jailed, impact offenders are tried in the Impact Courts.

- Jury trials continue to consume much of the court time within the Impact Court (Table B, Exhibit D). Evidently, the "slow court theory" (scheduling, slower, more serious jury trials in Parts I and II) still prevails.

- The number of extraneous matters, supposedly excluded entirely from the Impact Courts, has been kept at an acceptable level (Exhibits B and C). At the end of the court day, if time allows, other matters are often transferred into Parts I and II. We have no objections to this procedure, if the following guidelines are followed:

1. All efforts should be made to transfer impact cases;
2. Jury trials should not be transferred unless adequate time is available to complete the trial the same day;
3. Non-impact jury trials should never be transferred.

Table A

Month	Jailed Defendants	Total	% Jail
July	20	32	62%
August	29	47	61%
September	20	42	47%
October	15	34	44%
November	25	35	71%
December	12	17	70%
January	15	27	55%
February	12	17	70%
March	21	32	67%
April	23	36	64%
May	19	40	48%

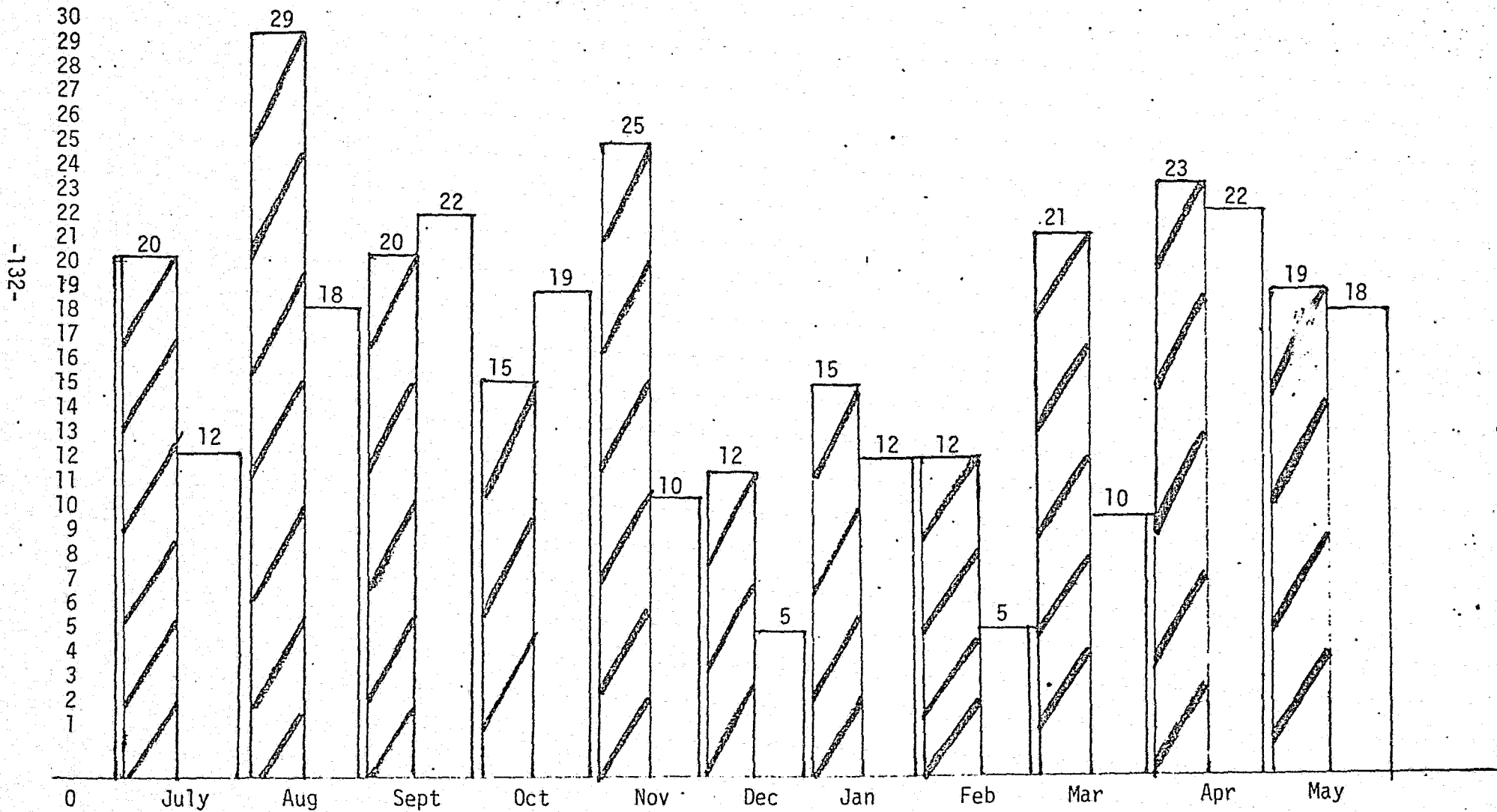
Table B

<u>Month</u>	<u>Percentage</u> = <u>Jury Trials</u> <u>All Trials</u>
July	16%
August	28%
September	15%
October	21%
November	28%
December	35%
January	34%
February	34%
March	19%
April	23%
May	26%

Exhibit

Jailed defendants tried:

Bail/ROR defendants tried:



July - May '74

All Impact: ....

All Non-Impact: —

-133-

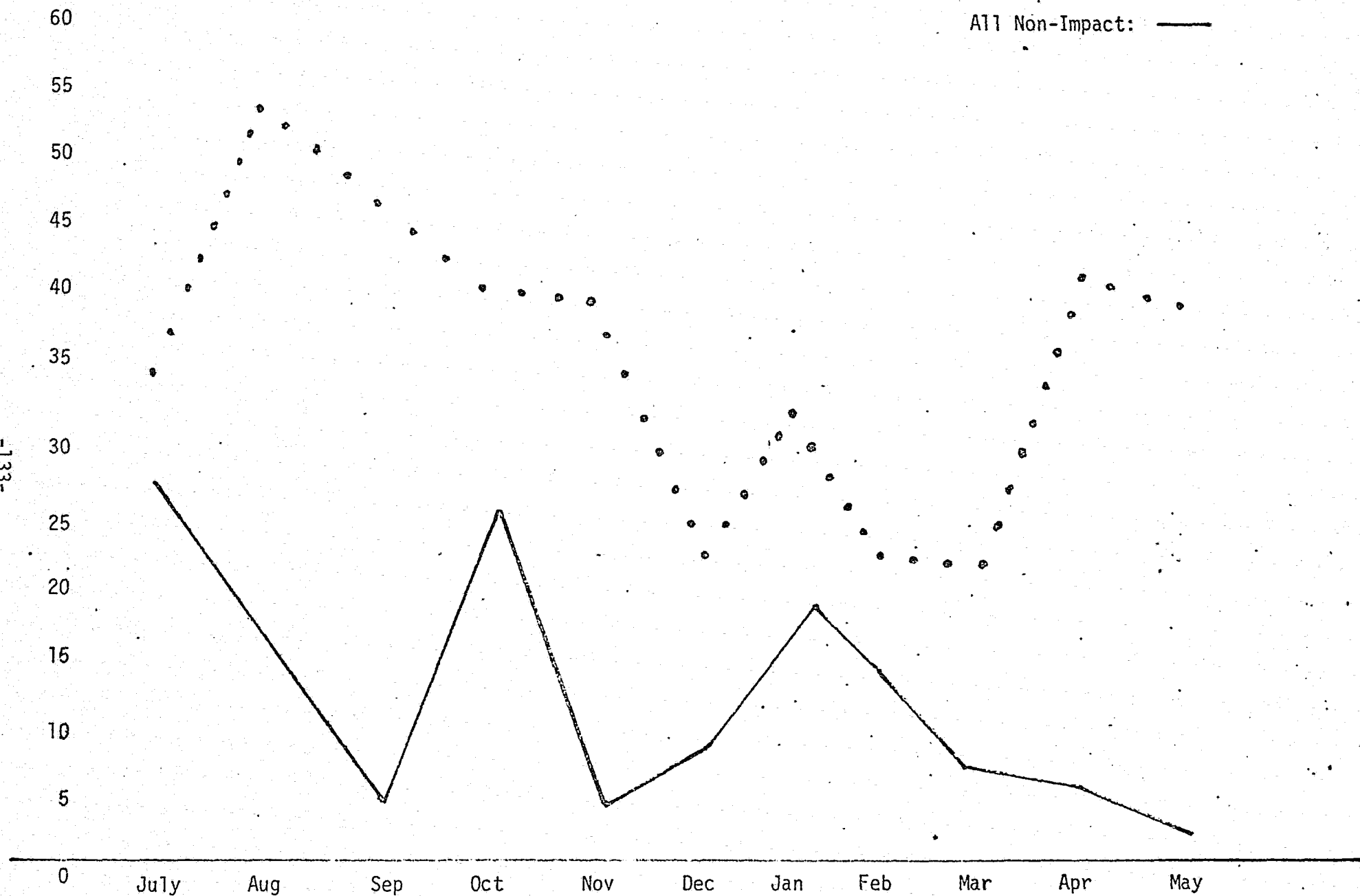


Exhibit Parts 1+2: July 73-May 74

Defendants: Impact Trials, Impact Disposition  
Impact Motion Hearings: . . .

Defendants: [ Arraignments, non-Impact Disposition;  
Bail Hearings, Violations, Prob., other:  
Non-designated Impact trials, arraignments,  
Non-designated Impact Dispositions, bail  
hearings, etc. ]

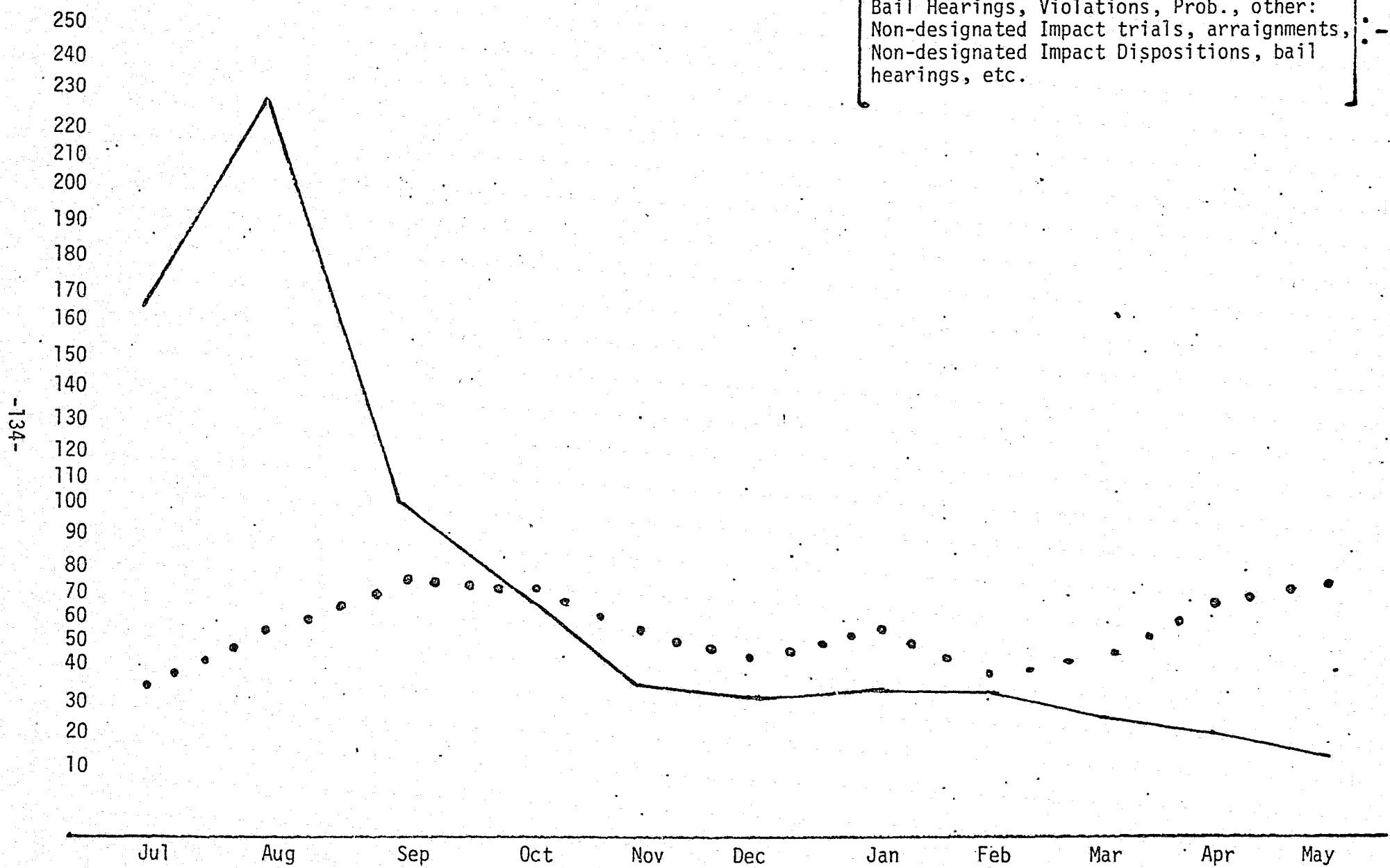


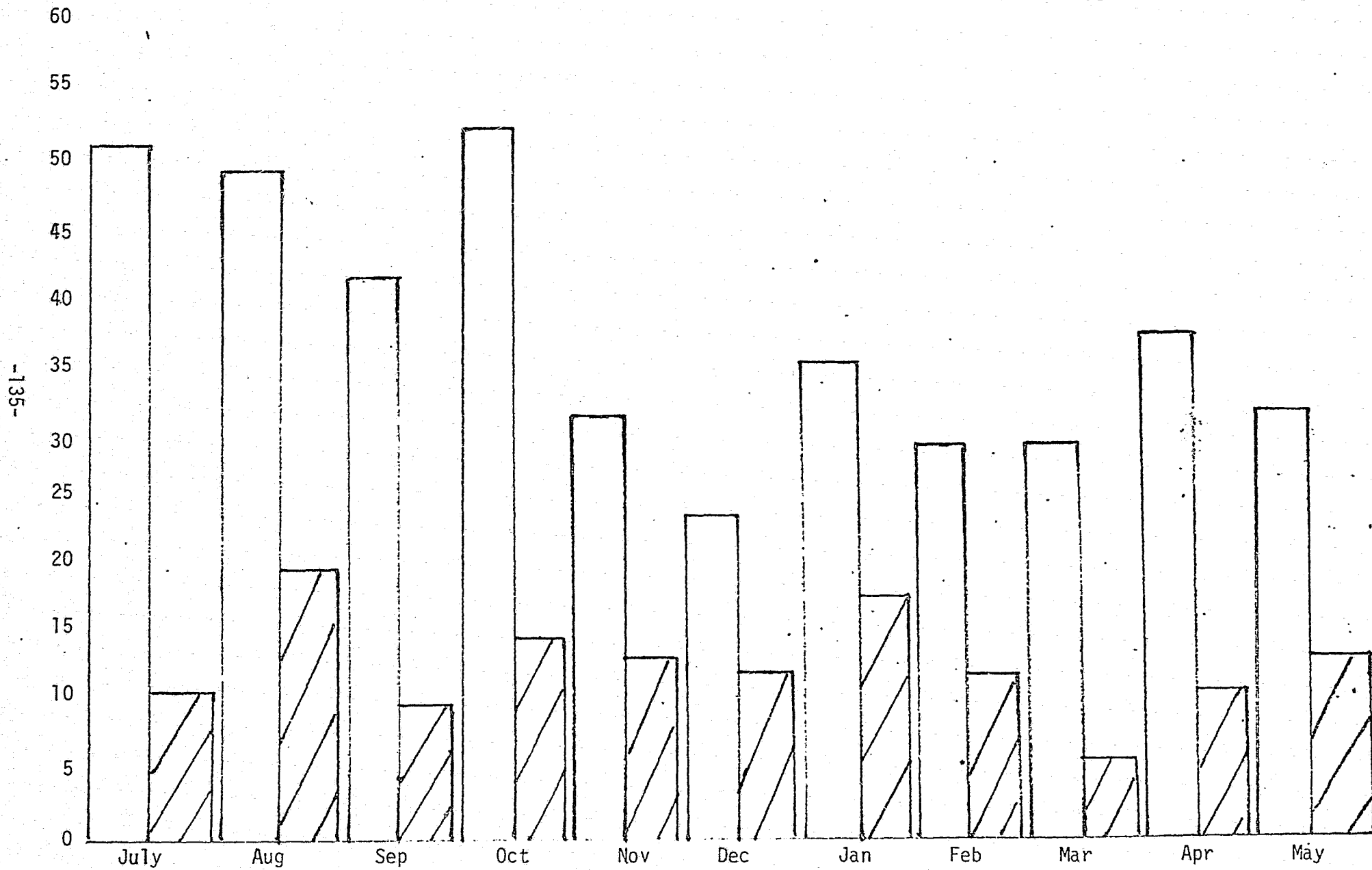
Exhibit D

Parts 1+2: July 1973 to May 1974

defendants

Court Trials:

Jury Trials:



## CONCLUSION

In analyzing the significance of any evaluation, we must first pinpoint its perspective. Is it merely historical hindsight or might it be useful as an ongoing management tool? The impact court evaluation partially fulfills both purposes. In one respect, it emphasizes and defines strengths and weaknesses within the court system; conversely, its data base does not supply us with information regarding up-to-date improvements in case processing. The interim report did effectuate action in two vital areas: the Public Defender is attempting to decrease the time between District Court and Supreme Bench filing, and the Criminal Assignment Office is streamlining its case scheduling procedure. Future evaluations will chart this progress.

Hopefully, future efforts will not face the circuitous route ours followed: we extracted information from a computer bank, recorded it manually, reprogrammed it, and fed it back to the computer. Much time and effort would be saved by formulating a program which could extract information directly from the data bank; this would provide on-line evaluation.

We are generally pleased with the approach the analysis has taken. The use of objectives effectively outlines areas of concern while encouraging latitude in evaluative technique. An added advantage of employing quantifiable objectives is its reciprocity: objectives

evaluate systems, while at the same time, the analysis of the system identifies obsolete objectives.

The evaluation itself identifies one glaring problem which effectively hinders the fulfillment of all objectives: the related court agencies have just begun to establish effective inter-office communications.

The Mayor's Coordinating Council on Criminal Justice faces a major task in facilitating this communication. We intend to carefully analyze our staff responsibilities and capabilities in response to this coordinating role.



APPENDIX A: VIDEOTAPED TRIALS

## PRE-RECORDED VIDEOTAPED TRIALS

Testimony for a video-tape trial may be taken in much the same manner as for untaped depositions. After discovery is completed the attorneys, witness and parties assemble for the video taping. The witness and the attorneys are seated in front of a video-tape camera either in a studio designed for this purpose or elsewhere before a portable camera. The order of questioning would follow the normal trial pattern. Objections are made in the usual manner and the footage of the tape is noted each time an objection is taken. After all the testimony is recorded a judge reviews unresolved objections at which time attorneys can present written or oral arguments on the admissibility of evidence. If an objection is sustained, the question, answer and objection are omitted from the master tape to be viewed by the jury. To date, overruled objections have been omitted from the master tape.<sup>1</sup> The edited tape is then played to the jury after opening arguments by counsel (which, indeed, may also be video-taped).

Video tape substitution for live testimony has been met with surprising enthusiasm by commentators and text writers, especially in view of its revolutionary nature. This enthusiasm arises because of the numerous and significant advantages pre-recorded taped trials have over the present system.

One of the fundamental advantages of the use of video tape is the time savings it would allow the court system and the reduction of the inefficiencies of time now present. The use of tape could prevent many

<sup>1</sup> Video-Tape Trials: A Practical Evaluation and a Legal Analysis,  
26 STAN L. REV. 619,620 (1974).

disputes from ever reaching the trial stage. The taping of all testimony and evidence prior to submitting it to the jury should result in a greater probability of settlement since the evidence would then hold no unknown elements. After a copy of trial record is prepared and the court rules on objections, the attorneys and parties will be in a better position to evaluate the effectiveness of their case. It should also be noted that while the tape may induce settlement it also may direct an attorney to seek the kind of jury that might find the testimony on the tape persuasive as to his party's cause.

With pre-recorded video tape, prospective jurors would be called only for trials in which the need for them to return a verdict is certain. The jury is called only after the court has overruled motions for directed verdict. Total jury time would be shorter since what is heard is strictly evidentiary matter and arguments of counsel. None of the traditional interruptions or recesses now experienced at trial need occur with the use of video tape. In addition, the jury has advance knowledge as to exactly how much time it will take to hear all of the evidence. Since outside views or out-of-court experiments can be recorded and shown to the jury in court, travel to the scene is obviated and the delay in trial necessitated by a view is minimized.<sup>2</sup>

Pre-recording of testimony would be of advantage to attorneys for the taping can be conducted at mutually convenient times and places which would allow them greater flexibility in scheduling their individual calendars. Even if witnesses cannot be examined in the preferred sequence,

2

McCrystal, Videotape Trials - Relief for Our Congested Courts,  
49 DENVER L.J. 463, 475.

the order of testimony can be rearranged (with the permission of the court) in the editing process so as to present the evidence in the most understandable fashion. (See McCrystal, at 476). Lawyers would have more time to prepare their opening and closing arguments which could be done with greater preparation rather than pieced together during a recess. In addition, attorneys would no longer be on the spot to give arguments or explanations in court, but would have time to prepare arguments on motions or objections as well as briefs and memos on evidentiary matters.

The time of the appearance of the witnesses can be arranged to meet the demands of their personal schedules. The convenience of taping in terms of gathering the participants would lead to firm settings for hearings and trials and a more efficient use of the court's time and facilities.<sup>3</sup>

Video taping significantly reduces the amount of time a judge must devote to a case. No in-trial time would be expended for bench or chamber conferences, for settlement negotiations, nor for rulings on motions. No recesses need be allowed at all. The judge need not preside over the presentation of all the testimony. He need view only that which is related to objections or motions. Even when the court would be required to view all the relevant testimony of a case as when it is confronted with a motion for a directed verdict or judgment n.o.v., the taped trial would take much less time to view than it now takes to hear an entire case. Indeed, there is no overwhelming need to have the judge or lawyers present during the presentation of the tape to the jury (although the lawyers probably would want to view it to insure that no tampering has been done).

3

McCrystal, at 472.

One judge could even preside over more than one trial simultaneously as was done in Summit Co., Ohio in 1972 (one criminal case and one civil case).

Pre-recording has a number of advantages in addition to time and efficiency. The tape eliminates the necessity of on-the-spot rulings on objections and motions. The judge would have ample time to consider decisions with no delay to the other participants. There would thereby, supposedly, be a reduction in incorrect rulings, and resultant prejudicial error (and therefore, fewer appeals).<sup>4</sup> Testimony and views can be recorded at a time closer to the transaction in question thereby increasing the reliability of the evidence. Expert witnesses can be examined by lawyers with specialized knowledge in the experts' field, thereby allowing the trial counsel to more quickly familiarize himself with the more esoteric aspects of the case. Of course, experts may be examined in their home, office or laboratory, thereby decreasing the cost of having these witnesses testify. The personality of the advocate would assume a diminished importance in the trial context; theatrics will have no place in the resolution of the dispute.

One of the more important advantages of video tape is that it can form the record on appeal. Video tape can simply be viewed by the appellate court, ordered re-edited and remanded and used at a new trial. Abuses of trial court discretion would be readily apparent because the entire tape would be available to the reviewing court. Of course, there would be no need to fear the loss of an important witness' testimony.

4

McCrystal, at 473.

Video taping eliminates the necessity of requiring the jurors to have a selective memory. Material which is now ordered stricken and ordered to be "forgotten" by the jurors, would never appear on the tape. Jurors can give full attention to the testimony undistracted by the usual courtroom interruptions. There has been some speculation that jurors pay more attention to video tape trials than to live ones although this could be attributed to the novelty of the circumstances.

There are a number of possible disadvantages presented by the use of video tape. Nothing prevents opposing counsel from being as disruptive as possible during the tapings since these will never be observed by the jury. These disruptions could be time-consuming and worse, they could gravely influence the character of the testimony. The lack of instantaneous ruling on the admissibility of evidence can create problems by substantially altering the course of the remaining examination. Unless there are immediate rulings the attorneys do not know whether an objection will be sustained. If the examining attorney chooses not to rephrase a question to which there has been an objection, the jury will never hear the testimony unless he chooses to re-examine the witness. The problem is exacerbated when the objectionable question introduces foundation evidence and the subsequent testimony must also be deleted.<sup>5</sup> The attorney can ask another question to elicit the same information to cover himself if the judge later rules against him. Of course, if the objection is overruled, the jury would have to view constant repetitive testimony. These and similar problems could probably be solved by having a special master at the tapings to give immediate rulings possibly subject to review by the trial court.

5

Video-Tape Trials, at 626.

While there is no question that video tape adequately imparts information to the finder of fact, there is some question as to its ability to allow the jury to evaluate the witness' demeanor. Obviously a video tape trial does not convey all the sense impressions available to the juror in a live trial. Yet a recent study showed between 63 and 70% of the jurors questioned believed it was easier to concentrate on video tape than it would have been were the trial live. The jurors polled frequently stated that the video tape trials were less confusing, less emotionally involving and legally sounder.<sup>6</sup> These benefits, therefore, may be said to offset video tape's disability in the transmission of the demeanor element of testimony.

Mechanical failure is an obvious liability of a video tape system. A breakdown of equipment would not only waste time, but would have an adverse effect on impeachment evidence since the witness would not be surprised the second time the question is asked. A back-up system would probably insure a continued flow of testimony in all but the most egregious circumstances.

The high cost of a video tape system is a glaring liability. Not only is the equipment expensive (assuming the courts would want high-quality reproduction) but additional expense is incurred due to the necessity of technical assistance in the preparation of edited tapes. The sums necessary to be expended however, represent a moderate cost in light of the benefits that could be derived.

The central constitutional issue concerning a video record of testimony is the Sixth Amendment right of the accused to confront

6

Videotape Research Results Announced, THE THIRD BRANCH, May, 1974, at 2.

witnesses against him.<sup>7</sup> However, the accused and his counsel are present at all stages of the taping and effective cross-examination of witnesses during the taping is as certain as it is during a live trial. Part of the right to confrontation is that the trier of fact is able to observe the witness' demeanor during the taking of testimony. Any problems in this area are far from insuperable as standards and techniques of camera operation are developed. Other constitutional problems: right to jury trial, right to public trial, etc., are not particularly grave and present no reason why video tape trials, appropriately supervised under fair rules of procedure, cannot withstand constitutional attack. A pre-recorded criminal trial in Vermont, (Vermont v. Moffitt, Case No. 322-73 (1973)) raises before the appellate court the issue of the legality of such procedure and raises the issue of video tape as the record on appeal. The decision of the Vermont Supreme Court in the Moffitt case (No: 179-73) may be very important to the future of pre-recorded video taped trials as we can expect a number of these constitutional points to be raised.

Obviously, the field requires a great deal of additional study. Video Support in the Criminal Courts contains a number of recommended areas requiring further work, including, among others, such areas as cost analysis, alleviation of court backlog, influence of video tape on trial participants and specific operational procedures.

The use of pre-recorded video tape for trials is presently in its infancy. Yet the advantages that can be derived from its use are already obvious. The use of video tape must be considered for its time-saving capabilities alone. The fact that its use allows witnesses to testify who

7

National Center for State Courts, Video Support In The Criminal Courts (Executive Summary) (1974) at 8..



ordinarily could not go to court, the fact that its use enables the real exclusion of inadmissible evidence before the jury, and the fact that justice seems to be served as well or better by the use of video tape as in a live trial, make the future use of video tape trials almost obligatory. Because the use of tape is in its infancy and because there are problems in its use (the problems of any new technique) it is essential that the litigants have the opportunity to elect this procedure. From their experiences should come the information necessary to evaluate and improve video tape trials.

The Coordinating Council is presently analyzing the financial aspects of this issue in reference to its implementation at the Supreme Bench level.

The following chart is adapted from data contained in Video Support in the Criminal Courts (Executive Summary), National Center for State Courts 1974. It attempts to show the extent of the use of video tape and its broad application.

# SUMMARY OF VIDEO RECORDING IN CRIMINAL TRIALS BY NCSC

Application: Record of Testimony

Case and Annotation	Charge	Verdict	Status	Nature of Recording/ Testimony
* <u>Colorado v. Martinez</u> Trial Date: 3/12-19/73 (Jury)	Assault to Murder; Assault with a Deadly Weapon (2 Counts)	Guilty (to two counts of Assault with a Deadly Weapon	On appeal in Colo. Supreme Court; not yet perfected.	Videotaped deposition of hospitalized witness. First Colo. use of video to pre-record deposition testimony and present it at criminal trial.
<u>Florida v. Hutchins</u> Trial Date: 12/8/72 (Jury)	Possession of Narcotic Drug (Heroin)	Guilty	Currently on appeal to Fla. Supreme Court; pending.	Expert testimony of Police Criminologist. Establishes precedent for accepting or rejecting use of video tape to perpetuate testimony by pre-recording.
<u>Kentucky v. Null</u> Trial Date: 6/27/73 (Jury)	Auto Theft	Not Guilty	N/A	Testimony of victim establishing circumstances of recovery of auto. Taped in parallel with court reporter. First Ky. use of pre-recorded lay testimony presented at criminal trial.

Application: Record of Evidence

<u>Georgia v. Webb-Roe</u> Trial Date: 7/23-24/73 (Jury)	17 counts: Rape, Armed Robbery, Burglary, Aggravated Assault	Guilty	N/A (Video tape of line-up not used at trial)	Line-up of identification of suspect. First Atlanta Police use of video tape for pre-recording evidence.
<u>Missouri v. Henderson</u> Trial Date: 6/26/73 (Judge)	Second Degree Murder	Plead Guilty to lesser charge	N/A (Video tape not used at trial)	Statement of suspect to police detective. First Kansas City Police use of video tape pre-recording evidence.

\* Citations available upon request.

Application: Record of Evidence (Continued)

Case and Annotation	Charge	Verdict	Status	Nature of Recording/ Testimony
<u>New York v. Lopez</u> Trial Date: Concluded	Rape Robbery	Guilty	No appeal. 10/9/73 sentenced as youthful offender on all charges.	Lineups of suspect: eight recorded, three positive identifica- tions. The court can review videotapes to establish the fair- ness of identifica- tion process.
<u>New York v. Hill</u>	Rape	N/A	Trial pending.	Lineups of suspect: five recorded, two positive identifica- tions. Court can determine fairness.
<u>New York v. Kalamis</u>	Robbery	N/A	Pending trial.	Lineups of suspect: two recorded, both positive identifica- tions. Court can determine fairness.
<u>New York v. Smith and Johnson</u> Trial Date: Pending	Robbery	N/A	<u>Johnson</u> pending trial.	Lineups of suspects: five recorded, three positive identifica- tions. Court can determine fairness.
<u>New York v. Venezia</u> Trial Date: Pending	Kidnapping	Plead Guilty	N/A	Lineup of suspect: one recorded, no identification. Court can determine fair- ness.

Application: Pre-Record Trial

<u>Vermont v. Moffitt</u> Trial Date: 6/20/73 (Jury)	Driving While Intoxicated	Guilty	Currently on Appeal to Vermont Supreme Ct., not yet perfected.	First Vt. use of video tape to pre-record all testimony and evidence for later presentation to a jury. Raises issues of legality of such pro- cedure, and video tape as appeal record.
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Application: Record of Proceedings

Case and Annotation	Charge	Verdict	Status	Nature of Recording/ Testimony
Georgia v. <u>Brockway</u> Trial Date: 4/17/73 (Judge)	Aggravated Assault with Intent to Rape	Plead Guilty (Accepted)	No Appeal	Used with official court reporter. Tapes recycled when no appeal is taken. Reviewed by Judge to evaluate his court- room procedure.
Georgia v. <u>Gough</u> Trial Date: 4/18/73 (Jury)	Burglary: Motor Vehicle Theft; Armed Robbery	Guilty	Appealed to Ga. Supreme Court; docketed 9/21/73; pending.	Used with official court reporter. Court views and com- ments on accepta- bility of and re- quired procedures for using videotape as official record.
Georgia v. <u>James Hamilton</u> Trial Date: 5/9-10/73 (Jury)	Rape	Guilty	Pending in Georgia Court of Appeals, docketed 1/7/74	Used with official court reporter. Court views and com- ments on accepta- bility of and re- quired procedures for using videotape as official record.
Georgia v. <u>John Hamilton</u> Trial Date: 2/12/73 (Jury)	Armed Robbery Misdemeanor Pistol	Not Guilty	N/A	Used with official court reporter. Record of proceedings. Tape recycled when no appeal is taken.
Georgia v. <u>Harrell</u> Trial Date: 4/16 & 23/73 (Judge)	Robbery	Plead Guilty (Accepted)	8/3/73 Motion for new trial granted. Plead Guilty at new trial. No appeal taken.	Used with official court reporter. Court views and comments on acceptability of and required procedures for using videotape as official record.

Application: Record of Proceedings (Continued)

Case and Annotation	Charge	Verdict	Status	Nature of Recording/ Testimony
Georgia v. Hart Trial Date: 5/7-8/73 (Jury)	Involuntary Manslaughter	Guilty	Motion for new trial denied 10/30/73; no appeal to date	Used with official court reporter. Court views and comments on acceptability of and required procedures for using videotape as official record.
Georgia v. Latham Trial Date: 5/16-17/73 (Jury)	Involuntary Manslaughter	Not Guilty	N/A	Used with official court reporter. Ex- plores feasibility of use of videotape as a record of pro- ceedings.
Georgia v. Laudermilk Trial Date: 3/19/73 (Jury)	Burglary	Hung Jury	Mistrial, retrial pending.	Used with official court reporter. Ex- plores feasibility of use of videotape as a record of pro- ceedings.
Georgia v. Reynolds Trial Date: 5/14-16/73 (Jury)	Armed robbery (three counts) Misdemeanor Pistol	Guilty	Appealed to Ga. Supreme Court; docketed 9/21/73. Judgment Affirmed 1/9/74 (videotape not submitted with record).	Used with official court reporter. N/A.
Georgia v. Sturgis Trial Date: 4/9/73 (Jury)	Violation of Unlawful Drug Act	Not Guilty	Not Guilty	Used with official court reporter. In- stantly available record of proceedings. Explores feasibility of use of videotape as a record of pro- ceedings.

Application: Record of Proceedings (Continued)

Case and Annotation	Charge	Verdict	Status	Nature of Recording/ Testimony
<u>Kentucky v. Null, Jr.</u> Trial Date: 6/27/73 (Jury)	Auto Theft	Not Guilty	N/A	Used with official court reporter. First Ky. use of videotape to explore its feasibility as a record of proceedings.
<u>Missouri v. Eley</u> Trial Date: 4/11/73 (Jury)	Rape	Guilty	N/A	Used with official court reporter. Explores feasibility of producing a videotape record of proceedings.
<u>Missouri v. Moore</u> Trial Date: 4/16/73 (Jury)	Rape	Hung Jury	N/A	Used with official court reporter. Explores feasibility of use of videotape as record of proceedings. Tape recycled.
<u>Missouri v. Walker</u> Trial Date: 4/18/73 (Jury)	Theft by Misrepresentation (Con Game)	Guilty	Notice of appeal filed with Mo.Ct. of Appeals; appeal not yet perfect	Used with official court reporter. Court views and comments on acceptability of and required procedures for using videotape as official record.
<u>Vermont v. Leigh and Dunham</u> Trial Date: 3/1-2/73 (Jury)	Possession of Marijuana	Guilty	<u>Leigh</u> appealed. Appeal withdrawn by stipulation of parties in Sept, 1973.	Official record of proceedings. Court views and comments on acceptability of and required procedures for using videotape as official record.
<u>Vermont v. Sibley</u> Trial Date: 2/28/73 (Jury)	Leaving the Scene of an Accident	Not Guilty	N/A	As official record of proceedings. Demonstrates capability to immediately recycle videotapes.

APPENDIX B: CONVICTION STUDY

## CONVICTION STUDY

The universe of 300 defendants used on the following chart represents designated Impact defendants (indictments and informations) whose cases were closed as of May 31, 1974. The average number of days from arrest through disposition is 165.576. This figure was arrived at by adding the number of days each defendant's case took from arrest through disposition and dividing that number by the total number of defendants, i.e., 300.

A primary conviction is a conviction of the defendant on the primary charge of the primary indictment or information to which the defendant has pled not guilty. The primary conviction rate is arrived at by dividing the number of primary convictions by the total number of convictions.

A secondary conviction is a conviction of the defendant on a secondary charge of the primary indictment or information, or on the primary charge of a secondary indictment or information. In either case, a plea of not guilty has been entered. The secondary conviction rate is arrived at by dividing the number of secondary convictions by the total number of convictions.

"Plea guilty (primary)" represents guilty pleas entered as to the primary charge of the primary indictment or information. "Plea guilty (secondary)" includes all guilty pleas to secondary charges on the primary indictment or information, or primary charges on a secondary information or indictment. The guilty plea rate is found by adding the primary and secondary guilty pleas (i.e., all cases in which a guilty plea was entered) and dividing that number by the total number of convictions.



"Not-Guilty" represents all acquittals and the not guilty rate represents total acquittals divided by the total number of defendants. The category "nolle pros/stet" includes only those cases which were nolle prossed or stetched, in their entirety. The nolle pros/stet rate is arrived at by dividing the number of cases in the nolle pros/stet category by the total number of cases (i.e., 300).

AVERAGE NUMBER OF DAYS: 165.576

	Higher than average number of days	Lower than average number of days	TOTAL
Conviction (primary)	36 defendants	18 defendants	54
Conviction (secondary)	12	20	32
Plea guilty (primary)	23	17	40
Plea guilty (secondary)	15	24	39
Not Guilty	7	22	29
Nolle pros/stet	42	54	96
Other (declared insane, abated by death, etc.)	3	7	10
TOTAL	138	162	300

AVERAGE NUMBER OF DAYS: 165.576

Primary conviction rate (not including guilty pleas)	32.30%
Secondary conviction rate (not including guilty pleas)	19.40
Guilty plea rate (Guilty/total convictions)	47.90
	99.60%
Not guilty rate (Not Guilty/total dispositions)	9.67%
Nolle pros/stet rate (Nolle pros-stet/total dispositions)	32.00
Conviction rate (total convictions/total defendants)	55.00
Other	3.00
	99.67%

For the month of March, 1974 in Criminal Court, Parts I and II, the State's Attorney's Office has asserted a 95% conviction rate in Part II and an 85% conviction rate in Part I. These figures do not reflect a number of cases which have been stетted or nolle prossed. They also do not reflect postponements nor cases which resulted in mistrials.

The figures used in the above charts are based on a total of 300 defendants, rather than on the total number of filings. The nolle pros/stet rate does not take into account those cases in which some of the charges have been nolle prossed or stетted and a conviction was nonetheless returned on one or more other charges. The nolle pros/stet rate, rather, represents those cases in which all charges were stетted nor nolle prossed.

This fact, coupled with the use of defendants, rather than total filings, yields a clearer picture of the circumstances of individual defendants in the courts.

Briefly, the statistics reveal the following information regarding designated impact defendants:

- 55% of all impact defendants were convicted;
- 32% had their entire cases setted or nol prossed;
- approximately 10% were found not guilty;
- 48% of all convictions were obtained through  
guilty pleas;
- 32% of all convictions (not including pleas) were  
for the primary charge;
- 19% of all convictions (not including pleas) were  
for a secondary charge.

Table 1 f

Time Interval: Arrest to Disposition

Test Variables: Guilty/Not guilty/Other (defendants)

No. of Days	Guilty	%	Not Guilty	%	Other	%	Total	%
1 - 89	5	1.1	0	0	11	2.3	16	3.4
90 - 119	15	3.2	9	1.9	21	4.4	45	9.5
120 - 149	56	11.9	22	4.7	22	4.7	100	21.2
150 - 179	74	15.7	14	3.0	31	6.6	119	25.2
180 - 209	63	13.3	7	1.5	29	6.1	99	21.0
210 - 239	28	5.9	6	1.3	10	2.1	44	9.3
240 - 269	18	3.8	2	.4	10	2.1	30	6.4
270 - 299	8	1.7	0	0	6	1.3	14	3.0
300 -	2	.4	0	0	3	.6	5	1.1
TOTAL	269	57.0	60	12.7	143	30.3	472	100.0

	Guilty	Not Guilty	Other
Median:	173.7 days	148.6 days	166.9 days
Tendency Pattern:	50.9%:5-7 months	60.0%:4-6 months	42.0%:5-7 months
Mean:	176.7 days	159 days	N/A

Table 8 f

Time Interval: Supreme Bench Filing to Disposition

Test Variables: Guilty/Not guilty/Other (defendants)

No. of Days	Guilty	%	Not Guilty	%	Other	%	Total	%
1 - 59	7	1.4	1	.2	8	1.6	16	3.2
60 - 89	17	3.4	6	1.2	25	5.1	48	9.7
90 - 119	56	11.3	23	4.7	27	5.5	106	21.5
120 - 149	77	15.6	13	2.6	38	7.7	128	25.9
150 - 179	72	14.6	10	2.0	18	3.6	100	20.2
180 - 209	33	6.7	6	1.2	19	3.8	58	11.7
210 - 239	17	3.4	1	.2	8	1.6	26	5.3
240 -	6	1.2	0	0	6	1.2	12	2.4
TOTAL	285	57.7	60	12.1	149	30.2	494	100.0

	Guilty	Not Guilty	Other
Median:	141.2 days	119 days	131.4 days
Tendency Pattern:	52.3%:4-6 mth.	60%:3-5 mth.	60.4%:2-5 mth.
Mean:	145.2 days	126.2 days	N/A

APPENDIX C: COMPUTER PRINTOUTS

## SAMPLES OF COMPUTER DOCUMENTS

### A. Batch Reports - Managerial

1. New Case Listing	Daily
2. Audit Trial	Daily
3. Daily Docket Activity Report	Daily
4. Appearance Filed	Daily
5. Attorney Conflict List	Weekly
6. Courtroom Docket	Daily
7. Future Courtroom Docket	Weekly
8. Case No Action Report	Weekly
9. Active Case Listing Report - Open Cases	Monthly
10. Closed Case Listing Report - Closed	Monthly
11. Sub Curia Listing	Monthly
12. Inactivation Listing	Monthly
13. Appeals Listing	Monthly
14. Prisoner Control Listing (BCJ-DOC-HOS)	Daily
15. Case Summary and Case History	
16. Statistical Report	

### B. Docket and Notice Samples

1. Courtroom Docket	Daily
2. Defense Counsel and State's Attorney's Office Notice (later in duplicate)	Daily
3. Witness Notices	Daily
4. Defendant and Bailbondsman Notice	Daily
5. Detained Defendant Notice	Daily

### C. Additional Programs Being Developed

1. Bail Forfeiture Report
2. Critical Path

The enclosed documents are samples of computer print-outs utilized by the Criminal Assignment Office and related court agencies in scheduling and tracking defendants on the Supreme Bench level.

Batch Report : A-1

SUPREME COURT OF BALTIMORE CITY

RUN DATE 12/03/73 REPORT DATE 11/20/73

DAILY CASE STATUS

REPORT NO. 50900001

PAGE NO.

NEW CASES

CASE NUMBER	CASE NAME	CASE STATUS	CASE TYPE	FILING DATE
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57304172	WILLIAMS F	A	ASLT	11/28/73
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CONNECTION	NAME	IDENT #	ARR	LOC	SEX	RACE	BIRTH	ADDRESS	COMMITMENT
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DEF WILLIAMS	FERN	66633	3A804172	UNK	M	N	12/12/49	1101 ORLEANS ST	21200
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ALIAS BARBARA WILLIAMS

PO ROBERTS	RONALD	OFF	2526					SOUTHEASTERN DISTRICT	
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PO MICHAEL	WAYNE	OFF	2529					SOUTHEASTERN DISTRICT	
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PO GRAHAM	JAMES	OFF	2528					SOUTHEASTERN DISTRICT	
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WIS. CROSWELL	JAMES							3088 SOUTHLAND AVE	21200
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CAL/DOC DATE	PART REASON	DESCRIPTION	DISP
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11/28/73	GJ. GJ	SPECIAL	PRES
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CASE NUMB & MNT TR TRANS DT L CH CAT TRM ID SCREEN IMAGE  
D NO TRANS TM L CH FILE TRM NO

1	17300026	SXXO CMN A	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	CHG PF
				ALMH	A010 1 17300026 CROWDER B	A	-	-	12-21-72	RDW	05-13-74 C/
					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
					SXX0A05-10-74 ///	FILED/KROOP/ESQ////////	1-1	1-1	1-1	1-1	///
1	17300026	S070 CMN C	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300026 CROWDER B	A	-	-	12-21-72	RDW	05-13-74 C/
					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
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					S070C05-10-74 P09 9A9	ARRG SODARO J			0-1 C-1	GCA	/
1	17300027	JXXO CMN A		CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300027						
					J000 LAST NAME FIRST MTI CON IDENT# A-R # LOC ADDR CCM DATE						/
					JXX0AKRCOP GERALD A ADF 329						/
1	17300027	S070 CMN C	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
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					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
					S080A05 10 74	FILED KROOP ESQ					/
1	17300028	JXXO CMN A	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300028 CROWDER B	A	-	-	12-21-72	RDW	05-13-74 C/
					J000 LAST NAME FIRST MTI CON IDENT# A-R # LOC ADDR CCM DATE						/
					JXX0AKRCOP//////// GERALD/ A/// ADF 329///	////////	1-1	1-1	1-1	1-1	/
1	17300028	SXXO CMN A	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300028 CROWDER B	A	-	-	12-21-72	RDW	05-13-74 C/
					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
					SXX0A05-10-74 ///	FILED/KROOP/ESQ////////	1-1	1-1	1-1	1-1	///
1	17300028	S070 CMN C	05/08/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300028 CROWDER B	A	-	-	12-21-72	RDW	05-08-74 S/
					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
					S070C05-10-74 P09 9A9	ARRG SODARO J			0-0 C-1	GCA	/
1	17300028	S070 CMN C	05/13/74	CL03	A000 C CASE NUMBER CASE NAME	- LINK	S CHANGED	STAT	FILE DATE	TYPE	LAST CHG PF
				ALMH	A010 1 17300028 CROWDER B	A	-	-	12-21-72	RDW	05-13-74 C/
					S000 CAL DATE PART ROOM REAS PARTIES 0000				EST ACT DISP		TRF
					S070C05-10-74 P09 9A9	ARRG SODARO J			0-0 C-1	HCA	/

RUN DATE 02/04/74 REPORT DATE 01/31/74 SUP. B. O. BAL. IRE. Y. PRO. 4 SE. 308 PAGE NO. 1

PART-P12 0X BA12 DAILY ACTIVITY

CASE DEFENDANT NAME TYPE DOCKET TIME PLEA DOCT DISPOSITION AND REMARKS

NUMBER LAST FIRST REAS DISP EST ACT.

47301953 HUDSON LEONARD HGV CHS CONT .1 CONTINUED UNTIL 2-28-74 Not on C.R. Roster

✓ 17205255 HAMLET RANSON NAR JTCT PGSI 5.0 .5 ARRAIGNED AND SUBMITS UNDER PLEA GUILTY 2ND CT. PLEA ACCEPTED SENTENCE 4 YRS COMM OF CORR SENT SUSP PROB C&O STATE PAROLE & PROB FOR 3 YRS

ALL JURY TRIALS COURT TRIALS

TOTAL ESTIMATED TIME 5.0

TOTAL ACTUAL TIME .6

TOTAL DOCKET ENTRIES 2

17303939- Norman Vance - Cont. 2/1/74

-160-

Pf. XIII - Cole, J.

Disposition

17300768- James E. Anderson } among cases for  
AKA David Brookington } disposition

Checked 2/5/74

47200247- David Brookington } J-12p. BC Jf. 2/2/73  
AKA- James Anderson

ATC

SUPREME BENCH OF BALTIMORE CITY

CA

RUN DATE 9/74 REPORT DATE 02/19/74

CALL STATUS  
NOTIFICATION APPEARANCE FILED

8805010 E 1

CASE NUMBER	DEFENDANTS NAME		FILING DATE	ATTORNEYS NAME		PARTIES OR DESCRIPTION
	LAST	FIRST	M TI	LAST	FIRST	M TI
17204232	HIGGINS	STEVEN		FREEDMAN	LEONARD	
17204232	HIGGINS	STEVEN		YANKELLOW	NORMAN	
17208220	JACKSON	DONALD		CARDIN	BENJAMIN	L
17203220	JACKSON	DONALD		COLEMAN	EDWARD	L
17300016	LEAKE	ROBERT	W	COHEN	BARRY	
17300016	LEAKE	ROBERT	W	KATZEN	ALAN	
17301034	PARSON	NORMAN	B	CAGAN	DANIEL	W
17301034	PARSON	NORMAN	B	SHARROW	RONALD	M
17302879	SOLOMON	GEORGE	R III	BROCCOLINO	JOSEPH	L
17302879	SOLOMON	GEORGE	R III	COLEMAN	EDWARD	L
17302883	SOLOMON	GEORGE	R JR	BROCCOLINO	JOSEPH	L
17302883	SOLOMON	GEORGE	R JR	COLEMAN	EDWARD	L
17302993	MARTIN	BERNARD		BROCKMEYER	R	R
17302993	MARTIN	BERNARD		KIRK	WILLIAM	
17303124	SMITH	WILLIAM	L	BOTHE	ELSBETH	L
17303124	SMITH	WILLIAM	L	ISBEE	LAWRENCE	
17303124	SMITH	WILLIAM	L	SACKS	FRANK	
17303124	SMITH	WILLIAM	L	ZERNITZ	ARNOLD	
17303126	SMITH	WILLIAM	L	BOTHE	ELSBETH	L
17303126	SMITH	WILLIAM	L	ISBEE	LAWRENCE	
17303126	SMITH	WILLIAM	L	SACKS	FRANK	
17303126	SMITH	WILLIAM	L	ZERNITZ	ARNOLD	
17303127	SMITH	WILLIAM	L	BOTHE	ELSBETH	L
17303127	SMITH	WILLIAM	L	ISBEE	LAWRENCE	
17303127	SMITH	WILLIAM	L	SACKS	FRANK	
17303127	SMITH	WILLIAM	L	ZERNITZ	ARNOLD	
17303336	ROBINSON	JAMES	A	BOTHE	ELSBETH	L
17303336	ROBINSON	JAMES	A	CAREY	EARL	L
17303337	ROBINSON	JAMES	A	BOTHE	ELSBETH	
17303337	ROBINSON	JAMES	A	CAREY	EARL	L
17303339	ROBINSON	JAMES	A	CAREY	EARL	L
17303339	ROBINSON	JAMES	A	CAREY	EARL	L
17303363	WESTBROOK	WILLIAM		KAPLAN	MORRIS	L
17303363	WESTBROOK	WILLIAM		KATZEN	ALAN	
17304081	WILLIAMS	DENNIS		SHARRETT	DOUGLAS	N
17304082	WILLIAMS	DENNIS		SHARRETT	DOUGLAS	N
17304277	SUTTON	CLARENCE	JR	SHARRETT	DOUGLAS	N
17304353	WILLIAMS	DENNIS	J	SHARRETT	DOUGLAS	N
17304355	WILLIAMS	DENNIS	J	SHARRETT	DOUGLAS	N
17304380	THOMPSON	EUGENE		SHARRETT	DOUGLAS	N
17400075	HILSON	CHARLES		HORWITZ	ALAN	
17400124	SCOTT	LARRY	D	EAGAN	JAMES	K
17400184	WAGNER	WILDER	L	KARCESKI	RICHARD	
17400187	HARRICH	WILLIAM	L	FAIR	DONALD	T
17400190	HARRICH	WILLIAM	L	FAIR	DONALD	T
17400193	HARRICH	WILLIAM	L	FAIR	DONALD	T
17400196	HARRICH	WILLIAM	L	FAIR	DONALD	T
17400199	HARRICH	WILLIAM	L	FAIR	DONALD	T
27301523	LEGGETT	LAWRENCE	J	KIRK	WILLIAM	L
27301540	BAXTER	JOSEPH	J	SHARRETT	DOUGLAS	N

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## WEEKLY A KEY SCHEDULING REPORT

DEFENSE ATTORNEY			CALENDAR DATE	PART CODE	REASON CODE	CASE NUMBER	LINK NUMBER	CHARGE CODE	DEFENDANT		
N	A	M							E	LAST	FIRST
WALKER	ROLAND		05/21/74	P01	JT	17303864		MUR	BARBER	MELVIN	J
			05/22/74	P01	JTNW	17303864		MUR	BARBER	MELVIN	J
			06/05/74	P09	CT	17302009	02007	NAR	FARLEY	LISA	K
WEINKAM	LOUIS	J	05/14/74	P06	CT	17400525		ROB	WITHERSPOON	STEVEN	
WELLSCHLAGER	EARL	K	05/15/74	P01	PMOT	57304202		RDW	BAILEY	HUGH	S
WEST	LUTHER	C	06/03/74	P11	JT	27301556	01555	RAPE	SMITH	ROBERT	S
WHITE	RUSSELL	J	05/13/74	P12	JT	27400235		AWIM	BUTLER	WILLIAM	S
			05/14/74	P12	JTNW	27400235		AWIM	BUTLER	WILLIAM	S
			07/01/74	P12	JT	17208731		RSG	DENISIO	ARTHUR	J
			07/01/74	P12	JT	17208729	08727	CONSP	DENISIO	ARTHUR	J
WILLIAMS	CHARLES	L	05/02/74	P10	CT	47401330		FP	FERGUSON	HOWARD	L
			05/02/74	P10	CT	47401339		FP	FERGUSON	HOWARD	L
			05/02/74	P10	CT	47401340		FP	FERGUSON	HOWARD	L
WITMAN	HAROLD	I	05/03/74	P09	CT	27301689	01689	NAR	BURLEY	LAMONT	G
WOLF	ALAN	M	05/15/74	P09	CT	37400508		LOT	EPPS	CLEVELAN	D
YERNAN	ROBERT		04/17/74	P06	CT	17303171		BUR	GREEN	CHAR	
			04/24/74	P06	CT	67400228	00228	ATRDW	HARRISON	JERR	
			04/29/74	P12	CT	17303786		BUR	HILL	OMAR	A
			04/29/74	P12	CT	17303785		ROB	HILL	OMAR	A
			04/30/74	P01	JT	27301532		BUR	WALDEN	REGINAL	D
			05/13/74	P09	CT	27400405		ARSON	SIMON	FRANCIS	

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at...por  
RUN DATE 04/29/74

SUPREME BENCH OF BALTIMORE CITY

SE NO. 1

FUTURE COURTROOM DOCKETS

FOR 04/26/74 THROUGH 05/24/74

DOCKET DATE PART ROOM

04/26/74 GJ 207

CASE NUMBER CO-DEF LINK	DOCKET REASON	EST. TIME	DEPENDANT NAME	TYPE	ATTORNEY / PUBLIC DEFENDER	CONN CODE	ARREST REGISTER	IDENT NUMBER	DEF. ATTORNEY LOC. NUMBER
17400761	GJ		JOYNES	CALVIN S MUR		4AR00761	156102	UNK	E
17400762	GJ		JOYNES	CALVIN S RDW		4AR00762	156102	UNK	
17400764	GJ		BRADFORD	OWEN L ARSON		1AR29907	047100	UNK	
17400765	GJ		BRADFORD	OWEN L OTHER		4AR00765	047100	UNK	
47401151	GJ		BLACKWELL	RITA EMB		4AR07769	126769	OR	
57400763	GJ	.1	MORRIS	KEITH A ATRAP		4AR09347	166778	JAL	

TOTAL CASES 6 TOTAL ESTIMATED TIME .1

1644

RUN DATE 04/29/74

CASE NO ACTION REPORT - ACTIVE  
REPORT DATE 04/29/74

JOB CODE S89W5001

PAGE NO. 1

CASE NO.	CO/DEF LINK	DEFENDANT NAME /DEF ATTORNEY /PROC ATTORNEY	IDENT NUMBER	CHARGE TYPE	DATE FILED /APPEAR FILED /COMMITTED	DAYS ELAPSED	APPEARANCES / DOCUMENTS DATES REASON DISP	DEF LCC	
17200474		SHARP MARTICK	RAY ALEX R	930494 468	STSR	02/01/72 01/14/72 01/15/74	818 836 104	02/01/72 GJ PRES 02/03/73 CEPI IN JAIL 02/07/72 INDICTMENT FILED 01/14/72 FILED MARTICK ESQ 05/21/73 CTNW POST 01/15/74 CEPI IN JAIL WARR 02/25/74 CEPI DETAINER FILE 04/25/74 CT	DCC
17201625		WYRICK	JOHN O	999999	ASLT	02/01/72	818	03/09/72 GJ PRES 03/15/72 INDICTMENT FILED 03/27/72 CEPI ON BAIL 06/22/73 ARRG BF 09/25/73 BATH BACO 09/25/73 BATH WARR	UNK
17201626		WYRICK	JOHN O	999999	RA	02/01/72	818	03/09/72 GJ PRES 03/15/72 INDICTMENT FILED 03/27/72 CEPI ON BAIL 06/22/73 ARRG BF 09/25/73 BATH BACO 09/25/73 BATH WARR	UNK
17201627		WYRICK	JOHN O	999999	DC	02/01/72	818	03/09/72 GJ PRES 03/15/72 INDICTMENT FILED 03/27/72 CEPI ON BAIL 06/22/73 ARRG BF 09/25/73 BATH BACO 09/25/73 BATH WARR	UNK
17201642		WYRICK	JOHN O	999999	ASLT	02/01/72	818	03/09/72 GJ PRES 03/15/72 INDICTMENT FILED 03/27/72 CEPI ON BAIL 06/22/73 ARRG BF 09/25/73 BATH BACO	BAL

RUN DATE 5/01/74

ACTIVE C PENDING MASTER LIST

APRIL 1974

CASE NO.	CO/DEF LINK	D E F E N D A N T /DEFENSE ATTORNEY /PROSECUTING ATTORNEY /JUDGE	N A M E	IDENT. NUMBER	CHARGE TYPE	DATE FILED/ APPEAR/FILED /COMMITTED	DAYS ELAPSED	STATUS CHANGE DATE	A P P E A R A N C E S / D O C U M E N T S DATES REASON DISP	DEF LCC
57303931	GREEN MURPHY	SAMUEL T WILLIAM JR		139151 471	RAPE	10/15/73 12/21/73	198 131		10/15/73 GJ PRES 10/15/73 INDICTMENT FILED 11/05/73 CEPI ON BAIL 01/21/74 CTJT CONT 12/07/73 ARRG NGR 12/21/73 FILED MURPHY ESQ 01/23/74 JTNW CONT 01/24/74 JTNW MIST 05/07/74 JT 05/08/74 JTNW 05/09/74 JTNW	BAL
57304027	4027 CARTER MITCHELL	ROSALIE DAVID B		4027 1177	MUR	11/08/73 12/04/73	174 148		12/20/73 ARRG NGR 11/03/73 GJ PRES 11/20/73 INDICTMENT FILED 11/27/73 CEPI OWN RECOG 12/04/73 FILED WALKER ESQ 03/05/74 JT CGNT 03/06/74 JTNW MIST 04/22/74 JT POST 04/23/74 JTNW POST 04/24/74 JTNW POST 05/05/74 JT 06/06/74 JTNW 06/07/74 JTNW 04/24/74 FILED MITCHELL ESQ	GR
57304028	4027 CARTER SACHS	EMERSON FRANK		4028 462	MUR	11/08/73 12/04/73	174 148		11/08/73 GJ PRES 11/23/73 CEPI IN JAIL 12/20/73 ARRG NGR 12/04/73 FILED WALKER ESQ 06/05/74 JT 03/05/74 JT CONT 03/06/74 JTNW MIST 04/22/74 JT POST 04/23/74 JTNW POST 04/24/74 JTNW POST 04/03/74 FILED SACHS ESQ 06/06/74 JTNW 06/07/74 JTNW	JAL



RUN DATE 3/74

LISTING OF FILED CASES - JOB CODE SB0M5C02

MARCH 1974

CASE NUMBER	DEFENDANT LAST	NAME FIRST MI TI	FILING DATE	TYPE	ARREST REC. NO.	DISPOSITION	IDENT. NUMBER	CLOSED DATE
17302649	SETZER	JAMES S	05/17/73	RSG	3AR16407	STET	170371	
17302650	KUTCHKA	DAVID W	05/17/73	BUR	3AR16408	PGSI	150402	08/24/73
17302651	KUTCHKA	DAVID W	05/17/73	NUISH	3AR16490	NP	150402	08/24/73
17302652	KUTCHKA	DAVID W	05/17/73	NAR	3AR16346	NP	150402	08/24/73
17302653	BRADDS	RONALD L	06/25/73	ATM	3AR02853	NCFT	300937	
17302654	COZIG	LOUIS	06/25/73	ATM	3AR02854	NCFT	7040	
17302655	BLANKENSHIP	LEONARD	06/25/73	ATM	3AR04106	NCFT	285763	
17302657	BRADDS	RONALD L	06/25/73	BGE	3AR02857	NCFT	300937	
17302661	WIGGINS	WILLIE JR	06/25/73	BUR	3AR19063	NP	97900	
17302663	HARRYMAN	NEIL J	06/11/73	BUR	3AR16985	PGSC	211146	
17302664	FROTH	RICHARD J	06/11/73	BUR	3AR16991	PGSC	211145	
17302665	CALLELA	JOHN A	06/11/73	BUR	3AR16984	PGSC	211144	
17302666	MANGAN	WILLIAM G	06/11/73	NAR	3AR19621	GSI	193775	
17302667	MANGAN	WILLIAM G	06/11/73	NAR	3AR02867	NG	193775	
17302668	BRIDGES	ANTONIO	06/11/73	BUR	3AR19625	PGSC	158194	
17302669	JURE	GEORGE R	06/11/73	BUR	3AR19624	PGSC	154916	
17302670	SILVA	THEODOR S	06/06/73	NAR	3AR02870	NG	99622	
17302671	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NG	99622	
17302672	SILVA	THEODOR S	06/06/73	NUISH	3AR02871	NP	99622	
17302673	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NG	99622	
17302674	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NP	99622	
17302675	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NP	99622	
17302676	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NP	99622	
17302677	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NP	99622	
17302678	SILVA	THEODOR S	06/06/73	NAR	3AR02871	NP	99622	
17302679	SOLOMON	GEORGE R III	06/06/73	NAR	3AR02879	NP	2681	
17302680	SOLOMON	GEORGE R III	06/06/73	NAR	3AR02880	NG	2881	
17302681	SOLOMON	GEORGE R III	06/06/73	NAR	3AR02881	NP	2881	
17302682	SOLOMON	GEORGE R III	06/06/73	NAR	3AR02882	NG	2881	
17302683	SOLOMON	GEORGE R JR	06/06/73	NAR	3AR02883	NP	90700	
17302684	SOLOMON	GEORGE R JR	06/06/73	NAR	3AR02884	NG	90700	
17302685	SOLOMON	GEORGE R JR	06/06/73	NAR	3AR02885	NP	90700	
17302686	SOLOMON	GEORGE R JR	06/06/73	NAR	3AR02886	NG	90700	
17302687	SOLOMON	GEORGE R JR	06/06/73	NUISH	3AR02887	NP	90700	
17302688	HOERNLEIN	CHESTER L	06/14/73	NAR	3AR02888	PGSC	238578	
17302690	HOERNLEIN	CHESTER L	06/14/73	NAR	3AR02890	STET	238578	
17302693	ELAYLOCK	JAMES	06/14/73	NAR	3AR02893	PCST	2893	
17302696	PROCTOR	MAURICE C	06/13/73	CCNSP	3AR02896	CUNT	992630	
17302697	PROCTOR	MAURICE C	06/13/73	CONSP	3AR02897	CCNT	992630	
17302698	WASHINGTON	TYACNE	06/27/73	RAPE	3AR02902	PGSI	179291	
17302712	FITZER	THERESA D	06/05/73	NAR	3AR14977	PGSC	210701	
17302713	KRAMER	MICHAEL F	06/05/73	NAR	3AR14981	PGSC	210705	
17302715	WILSON	ELVIN	06/12/73	BUR	3AR02915	PGSI	107391	
17302916	VESSELS	CHARLES	06/12/73	BUR	3AR19809	PGSI	204150	
17302928	BORZA	PETER J	06/28/73	ARSON	3AR02928	GSC	86611	03/06/74
17302929	SHACKELFORD	SILLY	06/06/73	ESC	3AR21035	PGSI	190804	
17302930	JONES	SARRY J	06/13/73	BUR	3AR19318	GSC	204150	

RUN DATE 01/74

SUB CURIA CASES PENDING MASTER LIST

APRIL 1974

CASE NO.	CO/DEF LINK	DEFENDANT NAME /DEFENSE ATTORNEY /PROSECUTING ATTORNEY /JUDGE	IDENT. NUMBER	CHARGE TYPE	DATE FILED/ APPEARFILED /COMMITTED	DAYS ELAPSED	STATUS CHANGE DATE	APPEARANCES / DOCUMENTS REASON DISP	DEF LOC
17202592				NAR	04/24/72		04/23/74	VIOP GSC	
17205138	PARKER SHOGELL  JONES J	JOSEPH A BENJAMIN	5138 484	BUR	07/14/73 10/12/72	566	08/03/72 08/14/72 10/12/72 11/17/72 05/16/73 08/16/73 10/01/73 01/07/74 02/08/74 10/01/73 10/01/73 03/14/74 03/22/74 05/14/74	GJ PRES INDICTMENT FILED FILED SHOGELL ESQ CEPI IN JAIL JT POST JT POST CT BFWI BAIH BACO JT POST BAIH WARR CEPI IN JAIL CT CONT CT GSC DISP	JAL
17205355	HUTTON HARRIS  SODARD J	CHARLES R STEPHEN E	903939 529	NAR	07/24/72 12/08/72	509	08/14/72 08/21/72 09/05/72 12/08/72 05/09/73 06/04/73 04/05/74 05/02/74	GJ PRES INDICTMENT FILED CEPI ON BAIL FILED HARRIS ESQ CT BF BAIH BACO CT GSC DISP	BAL
17206578	MEDLEY KAPLAN  LEVIN J	ROBERT C MORRIS L	979001 328	DHB	09/26/72 11/14/72	363 533	05/03/73 09/26/72 10/02/72 10/10/72 11/14/72 01/08/73 05/02/73 05/03/73 06/14/73 06/19/73 02/13/74	GJ PRES CEPI IN JAIL INDICTMENT FILED FILED FRAME ESQ FILED KAPLAN ESQ CT CONT CT GSC DISP POST BAIH WARR INAC POST	UNK

RUN DATE 04

INACTIVE CASES MISSING MASTER LIST

MARCH 1974

CASE NO.	CO/DEF LINK	DEFENDANT NAME /DEFENSE ATTORNEY /PROSECUTING ATTORNEY /JUDGE	IDENT. NUMBER	CHARGE TYPE	DATE FILED/ APPEAR/FILED /COMMITTED	DAYS ELAPSED	STATUS CHANGE DATE	APPEARANCE S / DOCUMENTS DATES REASON DISP	DEF LCC
17200090	POWELL	MARVIN	90	NAR	12/29/71		01/13/72 GJ PRES 01/19/72 INDICTMENT FILED 02/01/72 CEPI ON BAIL 05/23/73 CTNH POST	BAL BW - none listed inac. 5/23/73	
17200094	JOHNSON KAHN	DENNIS RICHARD S	94 517	ENB	12/29/71 05/11/72	690	01/13/72 GJ PRES 01/19/72 INDICTMENT FILED 05/11/72 FILED KAHN ESC 02/01/72 CEPI CN RECG 05/23/73 CTNH POST	CR BW - 3/7/72 inac 5/23/73	
17200155	→ Hunter, Charles Ernest (?) SMITH	DEHAVEN L	341	RDW	12/20/72 10/14/72	534	01/17/72 GJ PRES 01/24/72 INDICTMENT FILED 10/14/72 FILED SMITH ESC 05/23/73 INAC	BW - 11/17/72 inac 5/3/73	
17200469	HINES	SHELTON L	675180	STBR	01/13/72		02/01/72 GJ PRES 02/07/72 INDICTMENT FILED 02/17/72 CEPI CN BAIL 11/10/72 INAC	BAL BW - 3/9/72	
17200477	477 STRICKLAND COHEN	ROBERT HYMAN K	477 466	RDW	01/25/72 02/25/72	765	02/02/72 GJ PRES 02/10/72 INDICTMENT FILED 02/10/72 CEPI CN BAIL 02/25/72 FILED COHEN ESC 04/11/73 INAC	BAL 7/13/72 - bail received 7/25/72 - A non est BW - none listed	
17200479	HICKS WONNEHAN	ALAN D LEONARD H	479 363	RAPE	01/18/72		02/02/72 GJ PRES 02/10/72 INDICTMENT FILED 02/15/72 CEPI ON BAIL 05/30/73 CTNH POST	BAL BW - 7/26/72 inac - 5/30/73	
17200482	FAISON	LEON	33333	RDW	01/18/72		02/02/72 GJ PRES 02/10/72 INDICTMENT FILED 02/15/72 CEPI ON BAIL 05/30/73 INAC (?)	BAL 6/5/72 - case sent to array in the BW - none listed inac - 8/3/72	
17200518	WHITAKER FRANK	WALTER L ROBERT	77666 430	LAR	02/08/72 03/11/72	751	02/03/72 GJ PRES 02/08/72 INDICTMENT FILED 02/29/72 CEPI CN RECG 03/11/72 FILED FRANK ESC 03/02/73 INAC	CR ACW - 3/27/72	

RUN DATE 04/01/74

LISTING OF JUDICIAL CASES - JOB CODE S9MM5C02

MARCH 1974

CASE NUMBER	DEFENDANT NAME LAST FIRST MI TI	FILING DATE	TYPE	ARREST REG. NO.	DISPOSITION	IDENT. NUMBER	APPEAL DATE
47200076	LAND BESS M	03/20/72	SCLIC	2AR09063	GSI	3401	
47200135	LAND BESSIE M AY	04/11/72	SCLIC	2AR11532	GSI	3401	
47300306	ALLEN LESLIE E	02/20/73	LAR	2AR53753	GSC	911600	

CLOSED LOCKED APPEALS

CASES CASES

CATEGORY 1

CATEGORY 2

CATEGORY 3

CATEGORY 4

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CATEGORY 9

-170-

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TO WARDEN OF BALTIMORE CITY JAIL

FROM CRIMINAL COURT OF BALTIMORE HABEAS CORPUS AD TESTIFICANDUM

YOU ARE HEREBY COMMANDED TO

BRING INTO COURT THE FOLLOWING PRISONERS FOR APPEARANCE AT 10 OCLOCK AM. CN. 3/29/74

DEFENDANT NAME LAST FIRST MI TI	SEX RACE DOB	CASE #	CHARGE JAIL#	IOENT.	PART	HOME ADDRESS
BEVANS 910043 LAWRENC 47-E	M N 02/22/47	47300578	LAR	008815	P10	537 E 23RD ST BALTIMORE, MARYLAND 21200
BROGAN 137077 HAROLD 28-F	M N 12/03/54	67301411	BUR	137077	P07	1031 N MOUNT ST BALTIMORE, MARYLAND 21200
CLOUD 910306 BLANE 64-00	M N 04/08/52	17303418	ATROW 09585	161326	P07	1704 COLLINGTON AVE BALTIMORE, MARYLAND 21200
CORSEY 215616 HERBERT 3-E JR	M N 02/04/56	17304060	ATROW 00000	215616	P07	2042 E FEDERAL ST BALTIMORE, MARYLAND 21213
GREEN 211125 KEVIN 34-LN	M N 10/15/55	27301552	ARSON	211125	P05	28 N MOUNT ST BALTIMORE, MARYLAND 21200
HOWARD 910383 VIOLA 325-W	F N 06/02/44	17303373	LAR	210995	P03	2930 MOSHER ST BALTIMORE, MARYLAND 21200
JONES 205264 ELVONDO 102-0	M N 06/04/56	17304061	ATROW 00000	205264	P07	5503 BONLEYS LANE BALTIMORE, MARYLAND 21206
KELSON 730782 MAURICE 7-Y	M N 11/08/35	17300065	STBR	091466	P06	3506 PARK HEIGHTS AVE BALTIMORE, MARYLAND 21200
LEE 136427 TIMMY 113-0	M N 05/22/51	17400227	OW	136437	P03	1015 W LEANINGTON ST BALTIMORE, MARYLAND 21225
MCKINNEY 909101 EDWARD 2-T	M N 12/24/55	17303578	ROW 09953	205193	P02	1632 W LANVALE ST BALTIMORE, MARYLAND 21200
MOORE 107689 ALBERT 56-N	M N 02/12/43	17304245	STBR	107689	P01	1312 W LANVALE ST BALTIMORE, MARYLAND 21200
SIMMS 017254 JAMES 34-E JR	M N 09/26/56	67400091	ATROW	017204	P09	130 AISQUITTH ST 7K BALTIMORE, MARYLAND 21200
SKAGGS 117781 ELMER 87-9	M N 12/10/45	17304417	ROW	012345	P12	ADDRESS UNKNOWN BALTIMORE, MARYLAND 21200
SULLIVAN 914400 LINDA 287-W	M N 00/00/57	17304043	FORG	068543	P02	810 N GILMORE ST BALTIMORE, MARYLAND 21200
SULLIVAN " LINDA " B	F N 00/00/57	17303959	CONSP	086444	P02	810 N GILMORE ST BALTIMORE, MARYLAND 21200
SULLIVAN " LINDA " B	F N 00/00/57	17303961	AWIM	384877	P02	810 N GILMORE ST BALTIMORE, MARYLAND 21200
SULLIVAN " LINDA " D	F N 00/00/57	17303291	ROW	212576	P02	810 N GILMORE ST BALTIMORE, MARYLAND 21200
SULLIVAN " LINDA " D	F N 00/00/57	17303261	KID	983002	P02	810 N GILMORE ST BALTIMORE, MARYLAND 21200
WESTBROOK 740540 WILLIAM 7-L	M N 02/09/27	17303663	MUR	035965	P05	2589 FREDERICK AVE BALTIMORE, MARYLAND 21200
WILLIAMS 901406 CALVIN 15-B JR	M N 07/26/46	57303948	ATROW	114226	P05	1302 WHITELOCK ST BALTIMORE, MARYLAND 21200

Part 11 - Clarence Bay - 132479 - 18-0  
Part 10 - Cornell Peterson - 150460 - 2-5

Part 11 - Robert Wright - 908294 - 6-2  
Part 11 - Robert W. Decker - 7305 - 3-0  
Part 12 - Michael Valentini - 144078 - 3-0

EXHIBIT-A 15: CASE SUMMARY AND CASE HISTORY

At this time, available in microfilm only.

DATE 200. A.~  
RJA DA 05/01/74 REPORT DATE APR 1974

SUPR BENCH OF BALTIMORE

CCDE SB8M50

MONTHLY STATISTICAL REPORT

INDICTMENTS

	P R O C E E D I N G S										T I M E F I N D I N G S						B A I L N O L L E		P O S T P O N E M E N T					
	SCHED	ARRG	CT	JT	CTJT	JTCT	JTNW	DISP	OTHER	ACTUAL	NG	GSI	GSC	PGSI	PGSC	CONT	NCFT	STET	FORF	PROS	PBV	PCSS	PCSD	PG
PART I	90	1	9	39		9	11	9	12	66.3	1	1	5	1	3	10	14			7				2
PART II	114		29	29		8	23	13	12	27.7	1		7	1	4	34	4	3		5				1
PART III	191	62	13	29		18	27	9	33	61.7	1	2	5	6	1	20		14		24			1	2
PART IV	53		5	3			19	16	10	105.9	3	1	1	2		15		1		3				
PART V	65		11	26		18	11	4	15	23.3	1	1		3	4	15	1	4		22				2
PART VI	87	15	50	2				7	13	29.9		10	4	3	3	5	1	3		11				1
PART VII	116	58	46	1	1			6	4	15.2		6	4	1	2	2		4		11	1			2
PART VIII	6							6		2.1														
PART IX	49		40					5	4	16.7		10	1	8	3	1		5		3				
PART X	4		3					1		.8			1					2						
PART XI	41		6	16		5	4	1	9	13.6		3	3	1	3	2		5		6	1			1
PART XII	42		5	10		13	9		5	14.3	1	5	1			10		2		12				1
TOTAL	878	136	217	155	1	71	104	76	118	377.5	8	39	32	26	23	114	20	43		104	2		1	15

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EXHIBIT-B 1: COURTROOM DOCKET

See exhibit A-6.



Identical form is used for Defense counsel and state's attorney's  
 notice, witness notice, defendant and bailbondsmen notice, and  
 detained defendant notice.

DATE

# CRIMINAL COURT OF BALTIMORE

CASE  
NUMBER

OF MARYLAND VS

BRING THIS

WITH YOU

PART

TIME

BY ORDER OF THE COURT

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ASSOCIATED CASES

NED WITNESS  
 TH WIFE  
 TH CHILD AGE  
 TH NEIGHBOR NAME  
 DER DOOR

OF SERVICE

OF SERVICE

IE OF DEPUTY & DIST. NO.

S S WAS ATTEMPTED

- ☐ MOVED
- ☐ MORTUUS FST
- ☐ NO SUCH ADDRESS
- ☐ NEED APT NUMBER
- ☐ WIT UNKNOWN AT ADDRESS
- ☐ VACANT HOUSE
- ☐ ATTENDING SCHOOL WILL RET
- ☐ DISMISSED - DATE
- ☐ IN HOSPITAL - NAME
- ☐ LEFT EMPLOYMENT - DATE
- ☐ ON MEDICAL LEAVE
- ☐ OFFICER UNKNOWN IN DEPT
- ☐ RETIRED - DATE
- ☐ RESIGNED - DATE
- ☐ VACATION - WILL RETURN
- ☐ OTHER