

Policy Concerning Postponement Requests in Criminal Cases in The Circuit Court for Baltimore County

Effective May 10, 2021, the Circuit Court for Baltimore County will no longer accept written requests for postponements in criminal cases.

Requests for postponement in advance of the trial date shall be coordinated through the Assignment Office. A hearing may be requested via ccbaltcoclerkassignment@mdcourts.gov (with a copy to opposing counsel) or by phone at 410-887-2660. Counsel shall consult with each other prior to the postponement request and should provide the court with agreed-upon dates. Counsel shall complete postponement form to submit in court at the postponement hearing.

Postponement hearings for defendants currently housed in BCDC will be held during the 9:00 a.m. video bail docket on Tuesday-Friday, with the defendant. Arrangement to have defendants appear by video shall be made by the Assignment Office. There will be a limit of 5 postponement hearings per day.

If the defendant is incarcerated in DOC or any other facility, a writ will be issued by the Assignment Office to have the defendant transported for the postponement hearing. Note: DOC writs must be issued at least 10 business days prior to the hearing.

For day-of-trial postponement requests, counsel shall appear in person with clients before the assigned postponement judge on that day. Day-of-trial postponement requests will ordinarily be denied absent good cause as outlined in Attachment A.

All requests for postponement in murder, manslaughter, or any other specially assigned cases will go before the Lead Criminal Judge on Mondays and Thursdays. Counsel shall contact Melissa Irwin at 410-887-2674 in Judge Cahill's chambers to arrange a hearing in these case types.

Judge Robert Cahill

Lead Criminal Judge

Judge Ruth Jakubowski

County Administrative Judge

ATTACHMENT A

“Good Cause” Criminal Postponement Policy

1. The following are examples that are usually considered “good cause” for postponement:
 - a. Trial date conflict: The first case set takes precedence (see Chief Judge Robert C. Murphy’s Revised Administrative Order for Continuance for Conflicting Case Assignments or Legislative Duties effective May 15, 1195). **Documentation establishing a trial date conflict must be provided;**
 - b. Serious illness of, or death in the family of, a party, counsel, or necessary witness;
 - c. Vacation(s) scheduled prior to any assigned trial date; Requests for postponement must be made within ten (10) calendar days of notification of scheduled event;
 - d. If counsel is scheduled for a matter before this court, but another trial in another court carries over to cause a conflict with the Baltimore County trial date.

2. The following are generally NOT “good cause” examples for postponement:
 - a. Vacation(s) scheduled after establishing a trial or motion date;
 - b. Consent of the State and the defense with no substantive basis;
 - c. No previous requests for postponement;
 - d. Any matter known or which should have been known when the trial date became firm;
 - e. Change of counsel;
 - f. Plea negotiations ongoing;
 - g. Law enforcement “officer training”;
 - h. Discovery just provided;
 - i. Investigation ongoing;
 - j. Postponement requested to consolidate with matter pending in District Court as to which a jury trial may be prayed.