

District Court of Maryland

QUICK REFERENCE GUIDE



Applicable Maryland Rules and Statutes at Initial Appearances

Authority of District Court Commissioners Generally:

- Maryland Constitution – Article IV, Section 41G
- Courts and Judicial Proceedings (CJ) 2-607
- Maryland Rule (MR) 4-212 – Probable Cause: Issuing Arrest Warrants
- Criminal Procedure (CP) – Title 4: Charging Procedures

Initial Appearances

- MR 4-213: Initial Appearance of Defendant
- MR 4-213.1: Appointment, Appearance or Waiver of Attorney at the IA
- MR 4-222: Juvenile Waivers
- MR 4-221: Preliminary Hearing

Pre-Trial Release Determinations

- MR 4-216 – Authority of Judicial Officers and Procedures
- MR 4-216.1 – Standards Governing Pre-Trial Release
- CP – Title 5: Pre-Trial Release Restrictions
- CP - Title 9: Fugitives/Extradition
- CP – Title 11: Pre-Trial Rights of Victims
- MR 2-217: Bail Bonds

Terms used in Pre-trial Release Decisions:

Determination of NO Probable Cause (PC)

- Warrantless Arrest only – Charge is NOT dismissed but is not considered in pre-trial release determination
- If no PC is found for all charges, the defendant must be released with
- only Required Conditions

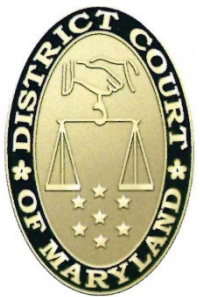
Required conditions

- Defendant will not engage in any criminal conduct
- Defendant will appear for court when required to do so

Chief Judge John P. Morrissey
District Court of Maryland
187 Harry S. Truman Parkway, 5th Floor
Annapolis, MD. 21401
(410) 260-1525
<http://mdcourts.gov/district/index.html>

Special conditions

- Generally, any condition that will assure the defendant will appear for court and/or assure the safety of the defendant, alleged victim, another person or the community to extent appropriate and capable of implementation
- Conditions under CR 9-302, CR 9-303, CR 9-304, and CR 9-305 if issued can be separate charges if violated.
- Violations of other conditions can be grounds for revocation of release or grounds for further conditions in subsequent arrests in this case.
- Conditions may include, but are not limited to reasonable restrictions with respect to travel, association or residence; maintain or seek employment; maintain or commence education; reasonable curfew; refrain from possession of firearm, destructive devices, or other dangerous weapon; refrain from excessive use of alcohol, or use or possession of controlled dangerous substances; a requirement to undergo available treatment; electronic monitoring; pre-trial supervision by a pre-trial services, or execution of a bond.

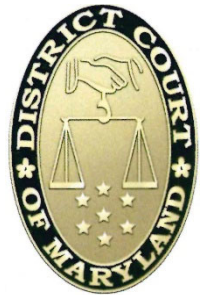


Type of Release

All the following may be imposed with or without additional special conditions.

- **Personal recognizance**
 - Defendant must agree to any both required and any special conditions
 - Defendant is released from custody after the Initial Appearance is complete, subject to any detainers
- **Unsecured Personal Bond (without collateral security)**
 - Defendant is released on a bond, but is not required to put up collateral to secure the release
 - If the defendant fails to appear, or violates any special condition, the bond amount is forfeited
 - Can require another person to execute the bond, thus being responsible for any forfeiture.
- **Held In Default of Bond (with collateral security)**
 - Bond amount set at a percentage collateral required to secure release – 10% to 100%
 - Any amount posted directly to the court is returned at the final disposition of the case
 - Percentage payable is only when posted in cash or certified check, but does not have to be by the defendant
 - If using corporate power or property to secure release, full penalty amount is required.
 - Corporate bond companies will charge a fee (usually 10% of the bond), and will post the full amount on behalf of the defendant in corporate power or property. Fee is to the company, not the court and is not refundable.

- **Held without Bond**
 - Statutory release restrictions under CP 5-202
 - Discretionary - Determination that no condition of release will assure the defendant's appearance in court or the safety of the defendant, the alleged victim, another person or the community
- **Bail Review** – any defendant still committed by the next court session will go before a judge for a review of the bail – representation is by the Public Defender's office for indigent defendants.



Administrative Commissioners and Resources

Allegany, Garrett

Christopher Nann
(301) 723-3153

Anne Arundel

Michael Lindner
(410) 260-1316

Baltimore City

Linda Lewis
(410) 878-8018

Baltimore County

Whitney Wisniewski (410)
512-2032

Carroll, Howard

Katherine 'Katie' Nyulassy
(410) 480-7721

Caroline, Cecil, Kent, Queen Anne's, Talbot

Kaylyn 'Katie' Wood
(410) 996-2727

Calvert, Charles, St. Mary's

Megan Harmon-Cooley (443)
550-6732

Frederick, Washington

Justin Cross
(240) 313-2843

Harford

Jennifer Colton
(410) 638-4772

Montgomery

Julie Gray
(301) 563-8850, 8853

Prince George's

Nettina Surpis-Gause
(301) 298-4011

Dorchester, Somerset,

Wicomico, Worcester

Megan Howell
(410) 548-7030

Commissioner Headquarters

Deputy Director of Commissioners

Director, Appointed Attorney Program

Rachel Bowen
(410) 260-1230
rachel.bowen@mdcourts.gov

Director of Commissioners

Timothy D. Haven
(410) 260-1230
timothy.haven@mdcourts.gov

District Court Commissioner Headquarters

ATTN: District Court of Maryland Appointed Attorneys Program
251 Rowe Boulevard, Suite 341
Annapolis, MD 21401
(410) 260-1230
email: appointedattorneys@mdcourts.gov
www.mdcourts.gov/district/appointedattorneys/index.html

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