

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

Criminal matters that are scheduled by the Assignment Office can be re-set by written request, without the need for appearance, as follows:

- The request must be filed in writing through MDEC at least thirty (30) days in advance of the scheduled hearing/trial;
- The request should be filed utilizing the attached form;
- Counsel must contact opposing counsel to discuss the postponement in advance of making the request, or certify good faith efforts to do so;
- Counsel making the request shall include three proposed re-set dates that have been cleared with opposing counsel, or certify good faith efforts to do so;
- If the State is making the request and the defendant is not yet represented by counsel, the requirements to contact opposing counsel and to obtain agreed proposed re-set dates are waived;
- Any request for postponement that is opposed will be set for hearing;
- Proposed re-set dates must be within the Hicks deadline, unless excused based upon an extenuating circumstance;
- If any proposed re-set date is beyond the Hicks deadline in a misdemeanor case, the request must include:
 - A written Hicks waiver by the defendant;
 - Certification by counsel that the Hicks waiver was discussed with the defendant, and that counsel believes it to be knowing and voluntary;
- If a re-set date being set in a felony case is beyond Hicks, a postponement hearing shall be scheduled in open court.

Upon receipt of a request that complies with this protocol, the Assignment Office shall forward the request to the Lead Criminal Judge for ruling. All requests for postponement that are opposed will be set for hearing. If the postponement is granted, the Assignment Office will re-set the matter on an agreed date. If the agreed dates are not available on the Court calendar, the Assignment Office will contact counsel with other proposed dates.