

State's top judge diagnoses Md. courts

Bell stresses need for accessibility, judicial fairness

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The legal system in Maryland and its courts need to be accessible, affordable and fair, the state's chief judge told legislators Tuesday in Annapolis.

In the State of the Judiciary address, which was last given in 1997, Court of Appeals Chief Judge Robert M. Bell outlined what judi-

ciary officials have done to help more people, provide more services and to make the courts more accessible.

Some of the highlights of the past two years, according to Bell, were: ■

Judiciary officials conducted opinion polls to gauge feedback on Maryland's legal system;

■ Family divisions were set up in counties to make sure family, domestic and juvenile issues are handled seriously;

■ Officials looked into ways to improve the foster care system;

■ Alternative dispute resolution measures were being put into place in all areas.

Bell spent a significant part of his speech addressing recent problems in Baltimore regarding a backlog of cases and lengthy trial delays. Several homicide suspects were freed recently in Baltimore because of the delays.

Bell said that aggressive measures are in place to try to cut down on the problem, including placing a greater emphasis on managing cases more efficiently. Such problems undermine public confidence in the judiciary, he said.

"The criminal justice system is just that, a system, which cannot perform optimally until all of its components are in sync," Bell said.

"It is critical that all parts of the system have the resources necessary to fulfill their respective roles."

Carroll officials say that even though the number of serious criminal cases filed in Baltimore cannot be compared with those filed in Carroll, they still try to make sure

that problems don't happen here.

A system of checks is in place in Carroll with attorneys, judges and assignment clerks making sure a defendant's right to a speedy trial isn't violated, said State's Attorney Jerry Barnes.

"We try not to postpone cases; that's how backlogs occur because new cases are coming along every day," Barnes said. "We just have to be vigilant and very careful."

There are about 700 Circuit Court criminal cases filed in Carroll each year, with three judges to hear them, Barnes said. Bell said Tuesday that in the 1998 fiscal year, almost 25,000 cases were filed in Baltimore's Circuit Court. There are 30 Circuit Court judges there.

The problems arose in Baltimore because of violations of a defendant's right to a speedy trial.

The Sixth Amendment ensures a defendant's right to a speedy trial. Barnes said this is judged on a case-by-case basis and is dependent on the amount of prejudice the defendant might face if a trial is delayed.

In 1979, the Maryland Court of Appeals ruled in the case *State vs. Hicks* that defendants in Circuit Court cases must have a trial within 180 days of the defendant's first appearance in court or the entry of his or her counsel, Barnes said.

As soon as that happens, the *Hicks* rule goes into effect and the clock starts ticking, he said.

A defendant is often asked to waive his *Hicks* rights, but Barnes said if the person does, delays cannot happen on an ongoing basis. Individual attorneys in his office can ask for postponements, he said.

To make sure the *Hicks* rule is met, the two county-funded criminal assignment clerks in Carroll mark on each case when the 180

days starts and when it will expire, Barnes said. Any requests for postponement must be heard by the county's administrative judge, Raymond E. Beck Sr.

Beck said two full-time assignment clerks were hired two years ago to make sure cases were set for trials and hearings in an organized fashion.

Unless there is a compelling reason, such as illness, either side not having access to evidence, or subpoenaed witnesses not showing up for court, Beck said he doesn't like to grant postponements. The more cases are postponed, the less faith people have in the system, he said.

"We are very time-conscious on getting [cases] up to trial," he said. "We have to; otherwise we would have the tail wagging the dog. We can't have that."

Pam Masimore has worked in Carroll's courts for 20 years and is a Circuit Court assignments clerk. She said they track all movements in a case in part by making lists that are checked regularly to make sure no case is forgotten or not set in for trial.

"If we keep checking the running lists we can make sure cases are being set and not sitting idle and that we didn't miss something," she said. "You have to keep checking."

Carroll Public Defender Judson Larrimore said the system actually does work smoothly in Carroll. Hicks dates are kept carefully, he said.

"I think the state and the courts are very diligent in getting cases to trial before Hicks," Larrimore said. "Quite frankly, we at the public defender's office are very diligent in checking that the speedy trial rights are complied with."

Both Larrimore and Barnes pointed to one notorious case in Carroll that was similar to recent cases in Baltimore.

In 1993, James Howard Van Metre III was convicted by a Carroll jury of first-degree murder for killing Holly Ann Blake in 1991. He was sentenced to life in prison, but the conviction was overturned

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in 1994 because his trial didn't begin within the 180-day limit.

Van Metre was convicted in federal court in 1996 on charges of kidnapping Blake and was sentenced to life in prison.