



*Seventh Judicial Circuit Of Maryland*  
CIRCUIT COURT FOR CALVERT COUNTY  
175 MAIN STREET  
PRINCE FREDERICK, MARYLAND 20678

MARK S. CHANDLEE  
ADMINISTRATIVE JUDGE

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November 25, 2020

MEMORANDUM

- To: All Attorneys Entered in Criminal Cases Scheduled From November 30, 2020 through January 15, 2021 in the Circuit Court for Calvert County, Maryland.
- CC: Kathy Smith, Clerk of the Court; Office of the State's Attorney for Calvert County, Maryland; Office of the Public Defender; Calvert County Bar Association
- RE: Information regarding Status Conferences Scheduled in Criminal Cases From November 30, 2020 through January 15, 2021 in the Circuit Court for Calvert County, Maryland.

Greetings,

As a result of Chief Judge Barbara's Sixth Administrative Order Restricting Statewide Judiciary Operations Due to the COVID-19 Emergency issued on November 24, 2020, the Court is contacting all attorneys (State and Defense) entered in criminal matters currently scheduled for a status conference or other type of hearing commencing November 30, 2020 through the pendency of the Administrative Order in the Circuit Court for Calvert County, Maryland.<sup>1</sup> Please be advised that this Memorandum is lengthy and contains important information for your review. The Court greatly appreciates your attention and requests that you read the entire Memorandum.

In an attempt to navigate through these uncertain times, the Court is putting in place the following procedures in an attempt to facilitate the criminal docket. The Court will be moving forward with the status conferences as currently scheduled from November 30, 2020 through January 15, 2021. Please be advised that any criminal cases originally and currently scheduled for a **"Violation of Probation," "Pre-Trial Conference" and/or "Status Conference"** will be

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<sup>1</sup> This protocol is subject to change as deemed appropriate by the Court

converted to and fall under the category of a **“status conference”** referenced throughout this Memorandum. Please also note that any related cases currently scheduled will also be converted to a status conference.

Please also note that criminal cases specifically scheduled for a **“Plea Hearing”** or **“Reconsideration Hearing”** will be addressed separately in further detail below.

The purpose of the “status conferences” is for the parties to advise the Court regarding the status of the case to include, but not limited to, any pre-trial issues related to discovery, plea offers, the possibility of needing to litigate motions, scheduling of any additional pre-trial hearings (e.g. plea hearing) and trial, and/or other similar matters. The Court does not anticipate addressing any substantive issues during these status conferences unless the Court determines it is necessary to do so in the interest of justice.

The Court is moving forward with the status conferences as currently scheduled in order to manage the docket and try and move cases along, resolve any pre-trial discovery issues, provide a forum for the parties to possibly discuss plea offers, work towards the setting of future hearings and a trial date, and, **most importantly, to give both the accused and victims the sense that some progress is being made in these cases.**

Pursuant to the Amended Administrative Order on the “Progressive Resumption of Full Function of Judiciary Operations Previously Restricted due to COVID-19 Emergency” dated June 3, 2020, the County Administrative Judge of each County possesses the discretion to move forward with proceedings, either in person or remotely, as outlined in the Phases and/or as the Court has the capacity to handle them.

Please see below for the Court’s plan for handling the status conferences as well as plea hearings, reconsideration hearings in criminal matters and truancy cases currently scheduled from November 30, 2020 through January 15, 2021:

## **APPEARANCE BY ATTORNEYS – STATUS CONFERENCES**

Attorneys may appear **in person**. The Court believes that attorneys attending in person would be the most effective way for progress to be made in these cases. Accordingly, the Court **strongly encourages** attorneys to appear in person if possible.

However, the Court recognizes and understands that individual circumstances may prevent or make it significantly more difficult for attorneys to appear in person. Therefore, the Court will allow attorneys to appear **remotely** by telephone (or possibly Zoom) for the scheduled status conferences.

Attorneys may request to appear remotely by **filing a line in MDEC** making such a request. Any line filed requesting to appear remotely should include contact information for the attorney such as the telephone number and email address that the attorney will be utilizing to participate remotely for the status conference. Counsel may email a **courtesy copy** of the line to the Court **after** it has been filed in MDEC to [elizabeth.haibach@mdcourts.gov](mailto:elizabeth.haibach@mdcourts.gov).

### **APPEARANCE BY DEFENDANTS IN CRIMINAL CASES (NOT INCARCERATED) – STATUS CONFERENCES**

For Defendants in criminal cases who are **NOT** incarcerated, the Court will **NOT** require that he or she appear in person for the currently scheduled status conferences from November 30, 2020 through January 15, 2021 and, therefore, do not need to report for court. Defense counsel should advise their clients that their personal appearance is not required for the purposes of the status conference and should not report to the Courthouse unless informed or advised otherwise by counsel. **It is VERY IMPORTANT for Defense counsel to communicate this to their clients.**

However, all Defendants in criminal cases who are not incarcerated **must** be available to be reached by telephone during the scheduled hearing time as it **may** be necessary for the Defendant to participate in the status conference depending on the circumstances. Should such circumstances arise, Defense counsel should be prepared to provide a working telephone number for their client.

Furthermore, all Defendants in criminal cases who are not incarcerated are welcome to participate remotely in the status conference if they so desire. When the case is called, Defense counsel should alert the Court that their client wishes to participate remotely and the Court will effort to make sure that occurs.

### **APPEARANCE BY DEFENDANTS WHO ARE INCARCERATED AT THE CALVERT COUNTY DETENTION CENTER – STATUS CONFERENCES**

For Defendants who **are** incarcerated at the Calvert County Detention Center, the Court will provide the ability for those individuals to appear remotely from the Detention Center via Polycom or Zoom.

## **APPEARANCE BY DEFENDANTS WHO ARE INCARCERATED AT A FACILITY OTHER THAN THE CALVERT COUNTY DETENTION CENTER – STATUS CONFERENCES**

Currently, it is unclear as to whether writs issued during this Phase II time period will be honored. Accordingly, under the circumstances the Court will grant any request to waive the appearance of the Defendant for the purpose of the scheduled status conference. The Court does not possess the ability to connect remotely with other local detention centers and the Division of Corrections and will make every effort to do so when it becomes necessary.

## **PROPOSED PLEA AGREEMENTS IN SCHEDULED STATUS CONFERENCES**

If a matter is scheduled for a “status conference” **and** the parties have reached a proposed plea agreement and wish to move forward with the plea at the status conference, please contact Judge Chandlee’s Chambers via email at [elizabeth.haibach@mdcourts.gov](mailto:elizabeth.haibach@mdcourts.gov). Once notified regarding the proposed plea agreement, the Court will reach out to counsel to discuss how to proceed.

## **SCHEDULED PLEA HEARINGS/RECONSIDERATION HEARINGS**

For any matter currently scheduled for a “Plea Hearing” or “Reconsideration Hearing,” the Court has either (1) already set the matter in **specifically** for a plea or reconsideration hearing and has already discussed the logistics of the proceeding with the parties **or** (2) will reach out to counsel for an update regarding whether the plea or reconsideration hearing will still be going forward. If the hearing is still going forward, all parties should appear in person unless advised otherwise.

## **ADDITIONAL INFORMATION**

Also included with this Memorandum are Administrative Orders for the Circuit Court for Calvert County regarding continued restricted access to the Courthouse, wearing face coverings or masks in the Courthouse, and prohibition against the unauthorized recording of remote proceedings. In addition, Chief Judge Barbara’s Fourth Administrative Order Clarifying COVID-19 Measures in the Courthouses and Judicial Branches Facilities will also be attached.

The Court asks that each attorney please share this information with their respective client(s). Additionally, each attorney should instruct their client(s) to direct any questions they may have to counsel first, and, if counsel is unable to answer it, counsel can, in turn, ask the Court. **It is VERY IMPORTANT for counsel to communicate this information to their clients.**

The Court also will post this Memorandum on the Circuit Court for Calvert County website and provide it to the Calvert County Bar Association for distribution to its members.

Any communication or question regarding this Memorandum should be directed to Judge Chandlee's Law Clerk, Elizabeth Haibach, at [elizabeth.haibach@mdcourts.gov](mailto:elizabeth.haibach@mdcourts.gov). Thank you for your time and consideration.

Sincerely,

/s/ Mark S. Chandlee

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Mark S. Chandlee  
Administrative Judge  
Circuit Court for Calvert County, Maryland