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Public Defender Demands Postponement of District Court Hearings in Light of COVID

For Release: November 23, 2020

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In a letter sent to the Chief Judge of the Court of Appeals, Public Defender Paul DeWolfe has called for the postponement of district court hearings that do not involve an incarcerated defendant or an allegation of domestic violence. In an order effective November 16th, the Chief Judge postponed jury trials and limited felony proceedings in Circuit Court, but has allowed misdemeanor criminal cases to continue in person, despite posing among the greatest COVID risks and least urgent public safety purposes.

“District court dockets are super-spreader events,” DeWolfe noted in the letter. “Attorneys, defendants, judicial staff and others ... are indoors for extended periods of time in contravention to the now-universal guidances to avoid such interactions unless essential. Even with social distancing practices, district courts throughout the state are crowded, especially at the security entrances and in the hallways.”

Court-based COVID transmissions have resulted in widespread quarantining, as well as heightened anxiety and fears. Many of the dockets underlying these exposures consist primarily of “nuisance” crimes and status-based traffic offenses where the clients are not incarcerated. Among the examples noted in the letter:

- A Montgomery County defender exposed to COVID while representing a client on a trespass charge;
- A Prince George’s County attorney exposed after representing people on a traffic docket;
- A Charles County district court docket included four individuals charged with failing to pay restitution;
- A Charles County client required to attend court on a 2019 theft charge for \$2;
- Numerous Howard County cases for driving on a suspended license where the license is no longer suspended.

Defendants who do not show up for court are still cited for failing to appear and often have a bench warrant issued for their arrest. As a result, defendants with COVID symptoms are obliged to attend court. Some clients bring their children with them because child care is unavailable.

“While we believe that some of these low level misdemeanors should simply be dismissed, postponement until in-court proceedings are safe is a reasonable middle position that should be required statewide.” DeWolfe noted that the Baltimore City District Court postponed its in-person hearings for non-incarcerated defendants, making clear that the state’s smaller jurisdictions could do the same.

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