



## MONTGOMERY COUNTY CIRCUIT COURT LAW LIBRARY

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### Criminal Cases Handled in the Circuit Court in Maryland

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Please refer to the Court's website for further information: [montgomerycountymd.gov/circuitcourt](http://montgomerycountymd.gov/circuitcourt)

See: Maryland Code, Criminal Law and Criminal Procedures Articles  
Maryland Rules, Title 4

- [How Criminal Cases Originate in Circuit Court](#)
- [Basic Criminal Proceedings](#)
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#### Cases “originating” in the Circuit Court

Cases involving criminal and incarcerable traffic offenses begin by any of the following four ways:

- 1) A warrantless arrest by a police officer pursuant to Sections 2-202 through 2-206 of the Maryland Criminal Procedure Article.
- 2) An arrest pursuant to a warrant issued by a District Court Commissioner based on a sworn Statement of Charges (complaint) by a police officer or other individual alleging a criminal offense for which the Commissioner finds probable cause that the offense occurred. The Commissioner typically issues a summons ordering the defendant (accused) to appear in court in most minor cases.
- 3) An Information filed either in the District Court or the Circuit Court by the Office of the State's Attorney. The court determines whether to issue a summons or an arrest warrant based on the State's Attorney's Office request.
- 4) A citation written by a law enforcement or peace officer alleging an offense.

The on-line version of the Maryland Laws is available from the Maryland State Law Library website ([www.lawlib.state.md.us](http://www.lawlib.state.md.us))

The State's Attorney's Office reviews felony and serious misdemeanor cases to determine whether they should be handled in the Circuit Court or kept in the District Court. For the latter cases, the State's Attorney's Office presents them to the Grand Jury for Indictment or files an Information – the first paper filed in criminal prosecution stating the crime for which the defendant is accused – to initiate the criminal proceeding. These cases are generally called cases “originating” in the Circuit Court and are subject to the statutory 180-day speedy trial constraints. Typical Circuit Court criminal cases include all felony charges with the exception of some felony theft charges that may be heard in the District Court.

#### District Court Appeals and Instant Jury-Demands

The other types of criminal cases handled by the Circuit Court are those that are typically handled in the District Court but move to the Circuit Court. This occurs when a defendant demands a jury trial or when a defendant appeals a sentence received in a District Court proceeding, including sentences imposed for violation of probation.

#### Basic Steps in Criminal Proceedings

All criminal cases are initiated by the State's Attorney's Office either through Grand Jury Indictment or filing of an Information. A summons is then issued with a scheduling order to the defendant to notify that he or she has been charged and to appear in court on a specified date. A warrant may also be issued to hold the defendant in custody. At the defendant's first appearance in court for preliminary inquiry, he or she is informed of the right to have counsel and the importance of the assistance of counsel, as well as the nature of the charges against the defendant. While court proceedings are pre-scheduled according to the Court [Criminal Differentiated Case Management Plan](#) when the case is filed, the schedule can be modified at the status conference where the State's Attorney's Office and defense counsel negotiate the date for hearings and the trial.

Prior to the status conference, discovery – disclosure of information to be submitted to the court at trial – and filing of pretrial motions – requests to the court to suppress the evidence and/or statements taken from the defendant at the time of the arrest, to postpone scheduled proceeding(s), to transfer the case to Juvenile Court, etc., – must be completed.

Based on the information provided during discovery, the defendant may decide to plead guilty, and the parties may reach an agreement as to the number of charges to be brought against the defendant and/or the sentence(s) to be imposed on him or her. These matters are formalized or held at the disposition hearing where the presiding judge takes the plea and sentence(s) based on the agreement reached by the State’s Attorney and defense counsel.

However, when the defendant does not plead guilty, the case goes to trial. Prior to the trial, the court holds a motions hearing to resolve any outstanding motions. At the trial, the presiding judge or a jury determines whether the defendant is guilty of the alleged crime beyond reasonable doubt based on the evidence presented before the court. If a defendant has been found guilty, he/she may file for an appeal to the Court of Special Appeals. If qualified, a defendant may also apply for an expungement of his/her record(s).

### **Expungement of Records**

Expungement is the removal of records from public inspection. In Maryland, qualifying records may be expunged from court files, as well as from Motor Vehicle Administration files and police files. Please see the Maryland Rules ([www.lawlib.state.md.us](http://www.lawlib.state.md.us)) for what constitutes “qualifying” court records, motor vehicle files and police files.

**Expungement filing fee:** \$30.00 for most dispositions

### **Additional information regarding expungement of records**

Expungement Brochure (English, Spanish, Korean), Petition for Expungement Form (Maryland FORM 4-504.1), and General Waiver and Release Form are available from the Maryland Judiciary website ([mdcourts.gov/legalhelp/expungement.html](http://mdcourts.gov/legalhelp/expungement.html))

### **Fingerprinting for Background Checks**

The Circuit Court’s Criminal Department does not offer fingerprinting services for background checks. For additional information and request for fingerprinting services, contact the Maryland Department of Public Safety and Correctional Services, [Fingerprinting Services/Fingerprinting Courses](#) - Phone: 410-764-4501, 888-795-0011 (toll-free).

### **Maryland Judiciary Case Search**

Docket information of any case filed in the State of Maryland except for sealed cases can be viewed on-line at [Maryland Judicial Case Search, casesearch.courts.state.md.us/inquiry/inquiry-index.jsp](http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp).