

Notice to Criminal Defense Attorneys of Change in Discovery Procedure

Effective Date: July 1, 2010

Montgomery County State's Attorney's Office's Notice on Dissemination of Discovery in Criminal Cases: Due to the changes in Maryland Rule 4-262 and Rule 4-263 concerning the manner in which the Montgomery County State's Attorney's Office (MCSAO) is required to "provide" discovery in criminal cases, you will no longer be required to obtain an "Authorization for Informal Discovery" letter from the MCSAO and then take it to police records divisions to obtain documents. The MCSAO will process your discovery request, compile the materials, and provide them to you directly. As of July 1, 2010, the MCSAO will begin "(A) to send or deliver it by mail, e-mail, facsimile transmission, or hand-delivery, or (B) to make the information or material available at a specified location for purposes of inspection if sending or delivering it would be impracticable because of the nature of the information or material." The MCSAO will collect fees, payable into the county's general fund NOT paid to the SAO, to cover some of the costs for *compiling, formatting, converting, copying, packaging, billing, providing, supplementing, and tracking discovery materials*. If you prefer to make an appointment to come to the MCSAO and view the materials, arrangements can be made to do so. Please call the office or check the SAO website for details.

The Montgomery County State's Attorney's Office is exploring Web-based eDiscovery options and more convenient payment options. Until such time that we can transition into an eDiscovery solution, we will be "providing" discovery in a variety of ways (mail, email, fax, pick-up, etc) sanctioned by the rules.

In order to process a discovery request, it will be necessary for the attorney of record to attach an initial processing fee of \$22.00 (\$20.00 cost of initial discovery plus \$2.00 mailing) to your request. **Money orders and checks made out to *Montgomery County, MD* are required.** Once received by the MCSAO, unless you indicate otherwise, your initial discovery packet will be compiled and mailed to you. If your request is made less than 10 days prior to the trial date, you will be notified when it is ready for pick-up. If there is additional discovery such as photos, audio or visual recordings, or other that you request in your motion, the MCSAO will compile those materials and notify the attorney of record of the availability of the materials for viewing at SAO or copying at an additional cost. If you prefer to routinely pick-up discovery rather than have it mailed, provide a check for \$20.00 only and we will notify you when it is ready.

Note: the Public Defender will not be charged for regular document discovery.

The *Discovery Fee Schedule is as follows:

Initial Documents Discovery

Digital Format: \$20.00

Paper Copies, black and white (8.5 x 11): \$20.00/up to 100 pages

Color copies (8.5 x 11): additional \$1.00/pg

Supplemental Documents Discovery

Digital Format: \$ 10.00

Paper Copies, black and white (8.5 x 11): \$10.00 for every additional 100 pages

Color copies (8.5 x 11): additional \$1.00/page

Photographs

Digital Format: \$10.00

Hard Copy: \$1.00 per print (minimum)

Video/Audio

Video Tape: \$20.00/each

Audio Cassette: \$10.00/each

Digital Audio (CD): \$10.00/each

Digital Video (DVD): \$25.00/per DVD

Police In-Car Camera Video Downloads: \$100.00 (MCPD and most municipalities)-

\$125.00(some municipalities)/DVD

Mailing

Greater of \$2.00 or actual cost

Fax Transmission

Initial page \$2.00, additional pages \$1.00/page

Courier/Special Mail Delivery

Actual Shipping Charges

*the fee schedule is based on recovery of costs for personnel and services and may be modified periodically to accomplish that end.

*the SAO reserves the right to provide your discovery in the format of our choosing, but we will make every effort to honor any specified requests.

Revised 05-10-10