



LAWRENCE J. HOGAN, JR.
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

**OFFICE OF THE PUBLIC DEFENDER
ADMINISTRATION
WILLIAM DONALD SCHAEFER TOWER
6 SAINT PAUL STREET, SUITE 1400
BALTIMORE, MARYLAND 21202**

*Ph. (410) 767-8460
Fax (410) 333-8496
Toll Free: 1 (877) 430-5187*

PAUL B. DeWOLFE
PUBLIC DEFENDER

CHARLES H. DORSEY, III
DEPUTY PUBLIC DEFENDER

FOR IMMEDIATE RELEASE

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The Office of the Public Defender of Maryland (OPD) is challenging the unlawful detention of over 230 inmates in the Baltimore Central Booking and Intake Facility. In the wake of the death of Freddie Gray, who died while in police custody, unrest has broken out in the City of Baltimore. However those arrested are being detained in violation of the Maryland Rules of Procedure. These rules require that arrestees be presented to a judicial officer promptly, in any event no later than 24 hours. Many are being held without being notified of any charges against them and without being furnished with a copy of the charges. Thus, a presumption arises that for many arrestees, no charges exist. It has come to our attention that the Governor has issued an executive order suspending the effect of Maryland Rule 4-212 (f) which mandates prompt presentment to a judicial officer. OPD challenges the Governor's authority to suspend this Rule. More importantly we challenge the wisdom of suspending justice for arrestees in this time of civil turmoil. The Judiciary promulgates the Maryland Rules. The Court of Appeals has not amended or changed the rules that require these important safeguards.

OPD has reached out to the private bar to assist in coordinating the litigation to ensure compliance with the Rules. The three District Courts in the city were closed on Tuesday, April 28. As a result, no bail review hearings were held, and for unknown reasons commissioner hearings were not conducted in sufficient time to comply with the Rules. Today hearings will take place and lawyers will be advocating for full compliance and justice.

The procedures that were carefully crafted to apply to the arrest and continued detention of our clients must be

followed. Such compliance will instill confidence in our criminal justice system. The courts must not create an appearance of lawlessness at this time, but rather they must diligently observe the important safeguards to liberty that are sacred in our society. Moreover we are being told that now that the hearings have resumed, the bails that are being imposed on our indigent clients from this impoverished community are prohibitively high. The practice of setting excessive money bail, which only the wealthy could post, is discriminatory.

To paraphrase Dr. Reverend Martin Luther King: The injustice of suspending (even temporarily) the bedrock principles of justice anywhere is a threat to justice everywhere.



The habeas team at CBIF fighting for justice!!