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Chief Judge Issues Second Order Addressing Decarceration in Light of COVID-19, Directing Trial Judges to Immediately Consider Release of At-Risk Inmates

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On Tuesday evening, the Chief Judge of Maryland's Court of Appeals issued an administrative order directing the Administrative Judges of the District and Circuit Courts to confer with local justice stakeholders to identify individuals for release who are being held pretrial or are eligible for sentence modification and to expedite hearings for their release. This order comes one day after an administrative order provided similar guidance for juvenile judges to promote the release of incarcerated children.

"We have been raising concerns about COVID-19's impact on our clients since the coronavirus outbreak started, and we are encouraged by the Chief Judge invoking her leadership to call for the decarceration needed to stem this public health crisis," said Maryland Public Defender Paul DeWolfe.

OPD had submitted a letter to the Chief Judge less than two weeks ago, asking her to take action on the imminent public health crisis in the state's prisons and jails. The following day, OPD juvenile defenders petitioned the court for extraordinary relief on behalf of our young clients. These efforts furthered the ongoing advocacy of public defenders at the local level to seek release of vulnerable clients through bail review hearings, sentence modifications, and negotiated plea agreements.

"For several weeks now, public defenders across the state have been identifying clients for whom the public health factors relative to any safety concerns support immediate release," noted DeWolfe. "In some jurisdictions, prosecutors and judges have already been partnering with us on these efforts, and the Chief Judge's order will facilitate an expansion of criteria for consideration. In other jurisdictions, this mandate will ensure that judges and prosecutors acknowledge and respond to the exceptionally dangerous conditions that the pandemic has created in our jails."

"Even without widespread testing, the number of confirmed COVID-19 cases in the state's prisons and jails is growing exponentially, with the first inmate death reported this past weekend," said DeWolfe. "The need for her guidance was imminent."

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