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State v. Fisher

County Administrative Judge Is Not Required to Make Findings or Articulate Reasons Demonstrating that Postponement Was Warranted

By Jerry W. Hyatt

The Court of Appeals of Maryland held that Maryland Rule 4-271 and Art. 27, § 591 do not require an administrative judge to articulate a good cause reason for postponing a trial date beyond the 180-day limitations period. *State v. Fisher*, 353 Md. 297, 726 A.2d 231 (1999). The court further held that the defendant has the burden of demonstrating the existence of a speedy trial violation based on either a clear abuse of discretion standard or a lack of good cause as a matter of law. In so holding, the court afforded state administrative judges wide discretion when postponing a trial date past the 180-day limit.

James Quinn Fisher ("Fisher") was charged with various drug offenses, including possession of crack cocaine with the intent to distribute. *Id.* at 299, 726 A.2d at 232. On July 10, 1997, Fisher's attorney entered his appearance, triggering the 180-day period in which the case would have to be tried under Rule 4-271 and Art. 27, § 591. *Id.* The case was scheduled for a bench trial on December 2, 1997, but because the defendant requested a jury trial on or about that day, the case was postponed 42 days beyond the 180 day limit. *Id.* at 300, 726 A.2d at 232.

On February 17, 1998, when

the matter was again called for trial, the defendant moved to dismiss the case based on a speedy trial violation under § 591 and Rule 4-271. *Id.* The trial judge denied the motion, stating that the administrative judge had the authority to postpone the case and had done so upon good cause. *Id.* at 301, 726 A.2d at 233. Subsequently, the defendant pled not guilty, and was tried on an agreed statement of facts. *Id.* Fisher was convicted on all charges in the Circuit Court for Washington County and was sentenced to nine years in prison. *Id.*

The Court of Special Appeals of Maryland reversed, holding that Rule 4-271 and § 591 were violated because Fisher was not tried within the prescribed time limit and the administrative judge neglected to articulate a good cause finding. *Id.* The court of appeals granted the State's petition for certiorari and reversed. *Id.* at 303, 726 A.2d at 234.

The Court of Appeals of Maryland relied on prior case law to support its conclusion that the court of special appeals's holding was inconsistent with previous Maryland decisions regarding the defendant's right to a speedy trial. *Id.* The court first visited *Goins v. State*, 293 Md. 97, 442 A.2d 550 (1982), where the defendant was not tried within the 180-day limit due to the extensive

examination period resulting from a "not criminally responsible" plea. *Id.* at 303, 726 A.2d at 234. In *Goins*, the court of appeals held that Rule 4-271 and § 591 were satisfied anytime an order by the administrative judge effectively postponed a trial, so long as it was done in good cause. *Id.* at 305, 726 A.2d at 235 (citing *Goins*, 293 Md. at 111-112, 442 A.2d at 557-558).

The court also analyzed *State v. Frazier*, 298 Md. 422, 470 A.2d 1269 (1984), in which the court of appeals re-affirmed *Goins* by holding that an administrative judge's decision to postpone a trial is a "discretionary matter, rarely subject to reversal upon review." *Id.* at 306, 726 A.2d at 235 (citing *Frazier*, 298 Md. at 451, 470 A.2d at 1284). In *Frazier*, the court discussed the standard for finding an absence of good cause for a postponement beyond the 180 day limit. *Id.* (citing *Frazier*, 298 Md. at 454, 470 A.2d at 1286). The court held that a judge should not find an absence of good cause unless "the defendant meets the burden of demonstrating either a clear abuse of discretion or a lack of good cause as a matter of law." *Id.*

Based on the rationale given in *Goins* and *Frazier*, the court in the instant case held that the burden is not on the administrative judge to explain the reasons amounting to

good cause, but instead on the defendant to demonstrate either a lack of good cause as a matter of law or a clear abuse of discretion by the trial judge. *Id.* at 307, 726 A.2d at 236. Here, the court held that Fisher failed to meet this burden. *Id.* at 308, 726 A.2d at 236.

Fisher also argued that the length of delay from the original 180-day mark to the actual trial date was an “inordinate” delay, and therefore violated Article 27, § 591 and Rule 4-271. *Id.* at 309, 726 A.2d at 237. The court of appeals again looked to *Frazier* for guidance in determining which delays are considered “inordinate.” In *Frazier*, the court held that a delay of 86 days beyond the 180-day mark was not a violation of § 591 or Rule 4-271 because there was no clear abuse of discretion shown on the part of the administrative judge. *Id.* at 310, 726 A.2d at 237 (citing *Frazier*, 298 Md. at 462, 470 A.2d at 1290). The *Frazier* court explained its refusal to find a clear abuse of discretion by stating that an administrative judge is in a much better position than either a trial or appellate judge to determine whether there is good cause to re-schedule a trial, because he or she is more aware of the number of cases on the criminal docket. *Id.* at 309-10, 726 A.2d at 237. Thus, the *Fisher* court concluded that because extending the 180-day limit by 86 days did not constitute an “inordinate” delay, a delay of 42 days would not violate Rule 4-271 or § 591 either. *Id.* at 311, 726 A.2d at 238. As such, the administrative judge neither failed to show good cause, nor abused his or

her discretion in postponing Fisher’s trial.

With its holding, the Court of Appeals of Maryland placed the burden of proving a speedy trial violation on the defendant. Once thought of as a Constitutional protection for the defendant, the court of appeals narrowed the defendant’s right to speedy justice by significantly broadening an administrative judge’s discretion. While trial delay is often beneficial to the defense, this decision reduces the likelihood that Maryland defendants will ever incorporate the speedy trial rule into their trial strategy. Moreover, the court of appeals’s interpretation of the speedy trial rule gives Maryland prosecutors more confidence when requesting a strategic postponement, even if that date falls beyond the 180-day limit.