

NICOLE A. WILLIAMS, ESQ.
Legislative District 22
Prince George's County

Judiciary Committee



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 209
Annapolis, Maryland 21401
301-858-3058 · 410-841-3058
800-492-7122 Ext. 3058
Nicole.Williams@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 15, 2022

The Honorable Delegate Luke Clippinger
Chairman of the House Judiciary Committee
6 Bladen Street, Room 101
Annapolis, Maryland 21401

House Bill 822

Good afternoon, Chair Clippinger, Vice-Chair Moon, and members of the House Judiciary Committee. I am Delegate Nicole Williams of District 22, and I will be testifying today in favor of House Bill 822, also known as Criminal Procedure - Victims' Rights - Dismissal of Charges. This bill pertains to defendants who are deemed incompetent to stand trial and the rights of victims in the judicial process.

As the law currently stands, charges can be dismissed after a certain period of time against defendants considered to be incompetent to stand trial upon motion by the defendant. The prosecutor can file a motion or petition the court to extend the time of the pending charges for "extraordinary cause". Unfortunately, a victim cannot request that the court extend the time of the pending charges for "extraordinary cause" under the statute.

This issue was highlighted by the Maryland Court of Special Appeals in the case of *M.O. vs. State of Maryland*, which was an appeal of a case originating from Washington County. In this case, the defendant was found incompetent to stand trial and filed a motion to dismiss his case because the requisite amount of time had elapsed. The State filed an opposition but did not request denial of the defendant's request for "extraordinary cause." The victim did request that the charges not be dismissed for "extraordinary cause," but the court did not consider the victim's argument. The lower court then granted the dismissal of the charges. In their opinion, the appellate court stated that "it is undisputed that the State did not petition the court to extend

the time for ‘extraordinary cause.’ While it is not dispositive, it is also undisputed that the victim, through his representative, was allowed to present his views on whether the facts demonstrated ‘extraordinary cause.’” The court acknowledged those views but was required to comply with the plain language of the statute.

This bill modifies the plain language of the statute to allow for a victim to present his view on whether the facts demonstrate “extraordinary cause”. At the end of the day, the court is still the final arbiter over whether a victim’s request should be granted based on the circumstances of the case and does not prevent the defendant from seeking dismissal of the charges. However, this bill is simply to allow a victim the right to bring forth such a motion.

For these reasons, I urge this committee to give a favorable report on House Bill 822.

Sincerely,

Nicole A. Williams, Esq.

Delegate Nicole A. Williams, Esq.