

The Sun

**Judge is OK'd for city lockup; With funding at risk, top judges yield on long-sought position; 'A breakthrough offer';
Lawmaker says move could 'cure' backlog of cases in Baltimore**

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After years of steadfast resistance, Maryland's two top judges agreed yesterday to assign a judge to Baltimore's jail, defusing a political battle with state lawmakers who threatened to cut the court's funding.

The surprise turnabout comes as the judiciary comes under increasing scrutiny by lawmakers because Baltimore's courts are so backlogged that serious criminal charges, even murder, have been dismissed.

The move follows a report last week by public safety officials which determined that \$21 million could be saved, and hundreds of cases could be handled, if a full-time judge with jurisdiction over felony and misdemeanor cases staffed a jail-house courtroom that has sat mostly empty for two years.

The judges' decision represents what appears to be a critical concession to the legislature, which has criticized members of the criminal justice system for rebuffing suggested solutions and has threatened to withhold funds unless reforms were made.

Martha F. Rasin, chief judge of the District Court of Maryland, grudgingly made the announcement at a budget hearing before the House subcommittee on public safety. As recently as last week, Rasin had said she did not believe that posting a judge at the jail would be wise.

Yesterday, Rasin reiterated that belief.

"I stand by my assessment that it is not the best use of judicial resources," Rasin told committee members, "even though it may in some way contribute to a solution."

Robert F. Sweeney, Rasin's predecessor as the District Court's chief judge, has adamantly opposed assigning a judge to the Central Booking and Intake Center in Baltimore. Holding court proceedings at the jail, he says, might encourage defendants to plead guilty to gain their freedom.

Robert M. Bell, chief judge of the Maryland Court of Appeals, said the controversy over the jail-house courtroom has "been a distraction," and he "applauded" Rasin for making the decision. She told lawmakers that she called Bell yesterday morning to tell him of her change of heart.

Del. Peter Franchot, chairman of the public safety subcommittee and a vociferous critic of the judges' resistance, appeared surprised by Rasin's announcement. The Montgomery County Democrat had threatened to withhold funds from Rasin's budget if a judge was not assigned to the jail.

"I think that's a breakthrough offer of cooperation," Franchot said. He later complimented Rasin and Bell for the "breakthrough decisions."

"I believe it's going to be the single event that leads to the cure of the Baltimore court crisis, because it creates enormous pressure on all the players in the justice system to make sacrifices and contributions," Franchot said after the hearing. "The judiciary has made a significant concession."

Rasin said she would leave it up to the new Criminal Justice Coordinating Council to determine how a District Court judge could best be used at the jail. The council -- made up of city prosecutors, public defenders, the attorney general and members of the private bar -- is to meet March 10.

"Personally, I don't see how a judge at central booking is going to solve that problem [at Baltimore Circuit Court], but I've been told it can," Rasin said in an interview.

Officials have wanted a District Court judge -- who has jurisdiction over misdemeanor cases -- to preside in the jail court so minor cases could be disposed of quickly there, preventing further clogging of the city docket and saving money on transportation. Circuit judges, who hear felony cases, could be used if Bell gave them the authority.

Circuit Judge Vincent J. Femia has been hearing felony matters in the jail courtroom once a week. Femia and other judges identified 288 cases that could have been disposed of last year during the once-weekly sessions.

But yesterday, Femia said a lot of work remains for the District Court, including costly computer hookups.

"I know everybody is cheering and applauding. I would not be convinced yet that the problem is solved," Femia said. "For all practical intents and purposes, this is a political ploy."

But Circuit Judge David B. Mitchell, who is responsible for the city's criminal docket, was pleased with the decision.

"They have made a magnanimous gesture," he said, "which I think will be well-received."