



LINDA COAN : SUN STAFF

Seeking improvement: Dels. John R. Leopold of Anne Arundel, Frank S. Turner of Howard, Joan B. Pitkin of Prince George's and Thomas E. Dewberry of Baltimore County (from left) listen to Mayor Martin O'Malley speak about problems with Baltimore's courts.

O'Malley insists funds for courts be delayed

Frustrated at pace of reform, mayor asks Assembly to hold off

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SUN STAFF

Frustrated by a week laced with high-profile violent crimes, Baltimore Mayor Martin O'Malley urged state legislators yesterday to continue withholding money for city courts until judges take

steps to unclog what he called a "dysfunctional" system.

Using blunt language that sharply contrasted with that of his understated predecessor, Kurt L. Schmoke, O'Malley objected to an assessment from the state's chief judge that the city's criminal justice system had made "remarkable" progress in the past year.

"I'd like to throw up when I hear sworn judicial officers of this state saying we should have a celebration," O'Malley

told a joint hearing of two House committees. "We are failing the people of this state and city by our currently dysfunctional criminal justice system."

The mayor urged legislators to withhold almost \$9 million in state funding for the city court system until the judiciary offers more cooperation in reform efforts.

Asked what needs to be done, O'Malley repeated his request for the state judiciary to assign a judge around the clock to the booking facility at the Baltimore jail—a move he and key legislators contend would allow prosecutors and defense attorneys to weed out many minor or weak cases early in the process.

The state District Court assigns a judge two days a week to the jail's central booking facility.

The state's top judges have resisted calls for opening the courtroom beyond that, saying the number of cases available doesn't justify such a move.

O'Malley, though, said changes recently promised by Baltimore prosecutors and public defenders will allow more cases to be disposed of quickly — if judges are available at the jail.

"We need the cooperation and the urgent commitment of our judiciary — not to study this or think about this," O'Malley said.

In an interview, Maryland District Court Chief Judge Martha F. Rasin said she was "delighted" [See Courts, 6A]

Mayor insists that state continue to deny funds for city court woes

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with results after she placed a judge in the central booking facility in the fall to handle bail reviews.

She said she would consider placing a judge in the court on a more regular basis but has not been given a formal proposal for such a move.

"I would certainly want to study and think about something before I did it," Rasin said. "I can't imagine that [O'Malley] really means that, that we should start something without studying it."

O'Malley, who made public safety his No. 1 priority during his campaign, told legislators that he was angered and frustrated by two killings this week, of an off-duty Baltimore County police officer and of the step-grandson of state Sen. Joan Carter Conway.

Suspects in the killing of the police officer, Sgt. Bruce A. Prothero, had extensive criminal records and "probably shouldn't have been on the streets," the mayor said. No arrests have been made in the killing of Conway's relative, James Edward Clay III.

O'Malley said it was no surprise that suspects continue to avoid prison despite being charged with violent crimes.

"The reason is our court system is absolutely overwhelmed with cases and an outmoded way of dealing with the cases," he said. "There is no reason why we should not be disposing of half these

cases within 24 hours."

Earlier in the hearing, Maryland Chief Judge Robert M. Bell and the head of Baltimore's criminal court said important progress has been made in reducing case backlogs in the city.

"In a period of 12 months, we have made remarkable progress," said Baltimore Circuit Judge David B. Mitchell, chief of the city's criminal docket.

Bell said much remains to be done and added, "It's still a work in progress."

Del. Peter Franchot of Montgomery County, said he was pleased with O'Malley's blunt assessment and predicted legislators would back the mayor in political squabbles with judges or other public safety officials.

"If O'Malley's not happy, we're not happy," he said. "He's in the driver's seat."

Lawmakers attached amendments to the state budget last year that withheld \$17.8 million from the budgets of the judiciary and other public safety agencies, pending the submission of a report detailing reform efforts.

That report was filed in the fall, and lawmakers have since released half the money.

Legislators acknowledge lack the authority to withhold the rest for long. But they say delaying its release will continue to give them and O'Malley influence as they push for changes in the Baltimore courts.