



## Minutes

Maryland State Commission on Criminal Sentencing Policy  
2025 Public Comments Hearing  
Maryland Judicial Center  
Annapolis, MD 21401  
December 2, 2025

### **Commission Members in Attendance:**

Honorable Dana M. Middleton, *Chair*

Honorable Melanie M. Shaw, *Vice-Chair*

Delegate J. Sandy Bartlett

Rodney R. Davis

Honorable Brian L. DeLeonardo

Katie Dorian, Esq., *representing Honorable Anthony G. Brown*

Richard A. Finci, Esq.

Matthew B. Fraling, III, Esq., *representing Public Defender Natasha Dartigue*

Richard E. Gibson

Angelina Guarino, *representing Secretary Carolyn J. Scruggs*

Robert H. Harvey, Jr., Esq.

Brian D. Johnson, Ph.D.

Larry L. Johnson

Alethea P. Miller

Delegate David H. Moon

Honorable Michelle R. Saunders

Senator Charles E. Sydnor, III

Senator Christopher R. West

### **Staff Members in Attendance:**

Sarah Bowles

Julia Caspero

Stacy Najaka, Ph.D.

Anabella Nosel

Katharine Pembroke

David Soulé, Ph.D.

**Note: The views expressed in the Public Hearing testimony are those of the speaker(s) and do not reflect the official policy, position, or opinions of the Maryland State Commission on Criminal Sentencing Policy (MSCCSP). The MSCCSP does not endorse the content of the testimony, nor does it guarantee the accuracy, reliability, or completeness of the information.**



**These minutes provide a summary of the Public Hearing testimony; the full meeting may be viewed here: <https://www.youtube.com/watch?v=UI7ntk12FH8>. Individuals speaking in their professional capacity are identified in the minutes. Those testifying from the public are not named for privacy purposes.**

#### **1. Call to order**

MSCCSP Chair, Judge Dana M. Middleton, called the meeting to order.

#### **2. Declaration of quorum**

The meeting began at 5:04 p.m. after a quorum had been established.

#### **3. Introduction of Commissioners**

Judge Middleton welcomed the commissioners and thanked them for their attendance. Commissioners and MSCCSP staff introduced themselves and briefly described their role on the Commission.

#### **4. Presentation on background/history of the MSCCSP – Dr. David Soulé**

Dr. Soulé explained that the MSCCSP holds an annual public comment hearing as an opportunity to solicit feedback about the sentencing guidelines and the work of the Sentencing Commission. He began by providing background information about the Sentencing Commission and the history and purpose of the sentencing guidelines.

Dr. Soulé noted that Maryland was one of the first states to initiate a sentencing guidelines system, first introduced by the Judiciary. In April 1979, the Sentencing Guidelines Advisory Board, formed by the Judiciary, approved a system of voluntary guidelines to be piloted in four jurisdictions. These sentencing guidelines were then approved for statewide use in the circuit courts starting in 1983. The guidelines in Maryland were in effect statewide for 15 years with oversight by the Judiciary.

In 1999, the permanent MSCCSP was created with the adoption of HB 602 from the 1999 Legislative Session. The Maryland General Assembly created the MSCCSP as an independent agency to support fair and proportional sentencing policy and to maintain the State's voluntary sentencing guidelines for criminal cases sentenced in the circuit courts. The enabling legislation that creates the current day Sentencing Commission outlines a statement of intent for the MSCCSP in Criminal Procedure Article (CP), Section 6-202 that includes six goals.

CP, § 6-202 states:

1. Sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories;
2. Sentencing policies should help citizens to understand how long a criminal will be confined;
3. Sentencing policies should preserve meaningful judicial discretion and sufficient flexibility to allow individualized sentences;
4. Sentencing guidelines should be voluntary;



5. The priority for the capacity and use of correctional facilities should be the confinement of violent and career criminals; and
6. Sentencing judges in the State should be able to impose the most appropriate criminal penalties, including corrections options programs for appropriate criminals.

Dr. Soulé gave an overview of the MSCCSP's representation, which includes members from all three branches of government, along with a cross-section of criminal justice officials, experts and members of the public. Members serve a term of four years and are eligible for reappointment.

Dr. Soulé explained that the Commission's primary responsibilities are to help address the goals identified by CP, § 6-202. The first responsibility is to implement and maintain the State's voluntary sentencing guidelines. This is accomplished through the second major responsibility which includes collection and maintenance of an extensive database assembled via data submitted on the sentencing guidelines worksheets. The Commission uses the guidelines data to monitor circuit court sentencing practice. The Commission also examines sentencing patterns and reasons for departure for specific offense categories and within individual cell ranges to consider changes to the guidelines when necessary. Finally, the Commission is responsible for providing training to criminal justice practitioners to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet.

The sentencing guidelines in Maryland are voluntary, primarily descriptive, and dynamic. Descriptive sentencing guidelines are guidelines informed by analysis of current sentencing practices. The Maryland sentencing guidelines describe how the courts are sentencing, on average, for a typical case, using the data that the MSCCSP collects via the sentencing guidelines worksheet. The descriptive nature of the guidelines means they are also not intended to be static. Rather, they are dynamic, and the guidelines may be amended when the data indicate that sentences are not consistent with the recommended guidelines range. The Commission analyzes data collected via the guidelines worksheet and uses that data to help determine if changes to the guidelines are warranted to help better reflect current sentencing practices.

Dr. Soulé then reviewed what a guidelines-compliant sentence is. First, the sentencing guidelines apply only to active time, and not to suspended time. Next, sentences to corrections options programs, such as drug courts, home detention, residential treatment, work release, and a few other alternatives to incarceration are also generally guidelines compliant. He noted that this rule allows judges to utilize a broader range of alternatives to incarceration while remaining compliant with the sentencing guidelines. Finally, sentences issued pursuant to an "MSCCSP binding plea agreement" are guidelines compliant. The MSCCSP adopted the binding plea agreement compliance policy to acknowledge that binding plea agreements reflect the consensus of the local view of an appropriate sentence within each community. Both the corrections options and binding plea agreement compliance policies allow the court to set a guidelines compliant sentence that considers the individual community view and the specific needs of the individual.



Dr. Soulé provided an illustration of how the guidelines work with respect to active time and suspended time.

The presentation ended with Dr. Soulé highlighting the key primary activities completed by the Commission in 2025. These included: reviewing and classifying new and amended offenses adopted by the General Assembly, as well as the classification of any previously unclassified offenses; the implementation of a revised list of common sentencing guidelines departure reasons; the release of two rounds of updates to the Maryland Automated Guideline System (MAGS); responding to proposed legislation during the 2025 Legislative Session; and expanding and clarifying the instructions for scoring psychological victim injury. Dr. Soulé concluded with a few of the planned activities for 2026. These include: reviewing the guidelines scoring instructions for physical victim injury; continuing to work with the Administrative Office of the Courts Judicial Information Systems to enable a feature in MDEC, whereby judges and court staff can create an on-demand MAGS report so that the court can check the submission status for worksheets on a regular basis; and continuing to work with the Department of Public Safety and Correctional Services (DPSCS) programmers to upgrade MAGS to optimize and simplify user experience.

## 5. Testimony from registered speakers

### ***Elizabeth Hilliard, Director of Public Relations for the Maryland Office of the Public Defender***

Judge Middleton called the first registered speaker, Elizabeth Hilliard, Director of Government Relations for the Maryland Office of the Public Defender (OPD). Ms. Hilliard spoke to the MSCCSP about a couple of recommendations that the OPD wanted to highlight related to the work of the Commission.

First, she requested on behalf of the OPD that the Commission participate in a comprehensive analysis, both qualitative and quantitative, of the racial and geographic disparities that occur in Maryland's criminal legal system. Ms. Hilliard recognized the report on racial disparities the Commission released in 2023, but noted that it only covered 2018 through 2022, and suggested a broader perspective of five or ten years, and information disaggregated based on geographic and district breakdowns.

Second, Ms. Hilliard requested that the Commission work with DPSCS, specifically the Division of Parole and Probation, to help implement alternative sentencing opportunities.

The third recommendation from the OPD was to reduce unnecessary pretrial detention. Ms. Hilliard explained that pretrial detention can halt a person's life, even within a few days of detention. Within this recommendation, improving discovery turnover, allowing second hearings for bail review to be waived, and improving the civilian complaint process were identified as actionable steps.

Ms. Hilliard concluded by thanking the Commission for their time and inviting the public to speak.

The Commission did not have any questions for Ms. Hilliard and invited the next speaker to provide testimony.

***Member of the Public***

Judge Middleton then called the next speaker, a member of the public. The member of the public offered comments on criminal policy for the Commission's consideration. Among the MSCCSP's stated goals is the increase of equity in sentencing by reducing unwarranted racial disparity, yet the racial composition of Maryland prisons makes clear that the State is doing a poor job of reducing racial disparities. She cited that the Maryland prison population has hovered at more than 70% Black, compared to approximately 31% of Black people in the State population.

The member of the public went on to suggest the measures the Commission could be taking to reduce this disparity. First, the Commission could reassess offenders' prior criminal history scores. She noted several offenses that have a harsher impact on people of color, including weapons possession and drug offenses that do not involve a violent action but are considered category III offenses. The Commission could also examine whether disparities exist in the utilization of corrections options and other alternatives to incarceration. Specifically, she urged the Commission to use its considerable influence to weigh in on why life without parole should not be used in Maryland.

The member of the public closed by encouraging the Commission to take more aggressive steps away from sentencing that has been and continues to be harmful, and she thanked the Commission for the work it does.

The Commission did not have any questions for the member of the public and invited the next speaker to provide testimony.

***Member of the Public***

Judge Middleton called the next registered speaker, a member of the public. The member of the public explained the problems she experienced as a pro se litigant in getting access to and understanding her sentencing guidelines worksheet. She recommended that the Commission solicit more feedback from community members with first-hand experience going through the judicial process, especially pro se litigants. She suggested that the Commission update its online services for quicker and easier access to MAGS.<sup>1</sup> The member of the public noted the importance of these matters, given the previously noted concerns regarding racial disparities.

The Commission did not have any question for the member of the public and invited the next speaker to provide testimony.

***Member of the Public***

Judge Middleton called the last registered speaker, a member of the public. The member of the public explained the details of his 2016 criminal case for which he was self-represented,

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<sup>1</sup> The member of the public's concern regarding pro se litigants' accessibility to their sentencing guidelines worksheet and the public member's recommendation to streamline MSCCSP resources for pro se litigants were later discussed during the MSCCSP's subsequent December 2, 2025, business meeting. The discussion is reflected in the December 2, 2025, business meeting minutes.



and a pending arson indictment for which he has counsel. He expressed concerns with the Commission's requirement to collect and maintain sentencing guidelines worksheets and maintain a sentencing database when he was informed that physical worksheets older than seven years are destroyed. He requested clarity in the statutory data maintenance obligations the Commission follows.<sup>2</sup>

The Commission did not have any questions for the member of the public and concluded the public comments hearing.

The public comments hearing concluded at 5:48 p.m.

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<sup>2</sup> The MSCCSP's seven-year data retention policy regarding paper sentencing guidelines worksheets was later clarified during the subsequent December 2, 2025, business meeting and is reflected in the December 2, 2025, business meeting minutes.