

MARYLAND DISCOVERY RULES QUICK REFERENCE & COMPARISON TABLES

CIRCUIT COURT (Md. Rule 4-263)

Obligations of the State

CATEGORY	THE OLD RULES A request was required for some discovery.	THE NEW RULES There is no request required.
Exculpatory	<ul style="list-style-type: none"> Any material or information that tends to negate guilt or mitigate guilt or punishment Request not required 	<ul style="list-style-type: none"> All material or information that tends to exculpate, negate, or mitigate guilt or punishment Regardless of admissibility
Experts	<ul style="list-style-type: none"> Written reports or statements of experts consulted by the State. Results of examinations, tests, experiments, and comparisons. Substance of any oral report or conclusion. Request required. 	<ul style="list-style-type: none"> The expert's name and address. Subject matter of the consultation. The substance of the expert's findings and opinions, and a summary of the grounds for each opinion. Written reports or statements. The substance of any oral report and conclusion by the expert.
Impeachment	<ul style="list-style-type: none"> Silent as to impeachment evidence. 	<ul style="list-style-type: none"> Material and information that tends to impeach a State's witness. Regardless of admissibility.
Other bad acts	<ul style="list-style-type: none"> Silent as to "other bad acts" evidence. 	<ul style="list-style-type: none"> Other bad acts evidence that the State intends to use.
Priors	<ul style="list-style-type: none"> Silent as to prior convictions, pending charges, and probation status of the defendant and codefendants. 	<ul style="list-style-type: none"> Prior convictions, pending charges, and probation status of the defendant and codefendants.
Searches	<ul style="list-style-type: none"> Searches and seizures Eavesdropping Electronic surveillance Pretrial identification of the defendant Request not required 	<ul style="list-style-type: none"> Searches and seizures Eavesdropping Electronic surveillance Pretrial identification of the defendant
Statements	<ul style="list-style-type: none"> Statements by the defendant to a State if the state intends to use (request not required). Statements by codefendants to a State agent that the State intends to use at a joint hearing (request required). 	<ul style="list-style-type: none"> All statements by the defendant and codefendants that relate to the offense charged. Regardless of the intention to use. All information regarding how the statements were obtained.
Tangible	<ul style="list-style-type: none"> Documents Computer-generated evidence Recordings Photographs Tangible things If the State intends to use. Request required 	<ul style="list-style-type: none"> Documents Computer-generated evidence Recordings Photographs Tangible things If the State intends to use.
Witnesses	<ul style="list-style-type: none"> Name and address of every witness the State intends to call. Request required. Silent as to the written statements themselves. 	<ul style="list-style-type: none"> Name and address of every witness the State intends to call. The written statements themselves.

CIRCUIT COURT (Md. Rule 4-263)

Obligations of the Defense

CATEGORY	THE OLD RULES	THE NEW RULES
	A request was always required.	There is no request required unless otherwise noted. ¹
Experts	<ul style="list-style-type: none"> • Written reports of experts if the defense intends to call the expert. • Results of examinations, tests, experiments, and comparisons. • Substance of any oral report and conclusions. 	<ul style="list-style-type: none"> • Expert's name and address. • Subject matter of testimony. • Substance of findings and opinions to which the expert is expected to testify. • Summary of the grounds for each opinion. • All written reports or statements made in connection with the action by the expert. • Results of examinations, tests, experiments, and comparisons. • Substance of any oral report and conclusion. • Experts must give address.
NCR	<ul style="list-style-type: none"> • Silent as to NCR 	<ul style="list-style-type: none"> • Notice of NCR required. • Name and address of witnesses. • Witnesses can decline to give address.
Person of the defendant	<ul style="list-style-type: none"> • Line-up • Speak for identification • Fingerprints • Photographs • Articles of clothing • Material under fingernails • Blood samples • Hair samples • Handwriting examples • Physical examinations • Mental examinations 	<p>UPON REQUEST</p> <ul style="list-style-type: none"> • Fingerprints • Photographs • Handwriting • Voice • Appearing, moving, or speaking for identification in a lineup. • Try on clothing or other articles. <p>UPON MOTION</p> <ul style="list-style-type: none"> • Buccal samples • Blood • Urine • Saliva • Breath • Hair • Nails/material under nails • Physical examination • Mental examination
Tangible	<ul style="list-style-type: none"> • Computer generated evidence only • Request required 	<ul style="list-style-type: none"> • Documents • Computer-generated evidence • Recordings • Photographs • Tangible things • If defense intends to use at a hearing or at trial
Witnesses	<ul style="list-style-type: none"> • Name and address of every alibi witness 	<ul style="list-style-type: none"> • The name and address of each defense witness. • All written statements that relate to the subject matter of the testimony. • Impeachment witnesses not disclosed until after the State's witness has testified. • Character witnesses • Alibi witnesses • Witnesses can decline to give address.

¹ The 2010 Amendments will require that any requests **be in writing and be filed with the court.**

DISTRICT COURT (Md. Rule 4-262)

Obligations of the State

Category	THE OLD RULES	THE NEW RULES
	A request was required for some discovery.	A request is required for most discovery. ²
Exculpatory/ Impeachment	<ul style="list-style-type: none"> Any material or information that tends to negate or mitigate guilt or punishment. No request required. 	<ul style="list-style-type: none"> All material or information that tends to exculpate, negate, or mitigate guilt or punishment. Regardless of admissibility. All material or information that tends to impeach a State's witness. Request not required.
Experts	<ul style="list-style-type: none"> Written reports and statements of experts if state intends to use (excludes preliminary hearings). Request required. 	<ul style="list-style-type: none"> If the State intends to use... Expert's name and address. Subject matter/substance of the expert's findings and opinions. Summary of the grounds for each opinion. Written reports or statements. Results of examinations, tests, experiments, and comparisons. Substance of any oral report and conclusion Request required
Property	<ul style="list-style-type: none"> Silent as to property of the defendant 	<ul style="list-style-type: none"> All property taken from the defendant. Regardless of the intention to use. Request required.
Searches	<ul style="list-style-type: none"> Silent as to searches & seizures, etc. 	<ul style="list-style-type: none"> Searches and seizures Eavesdropping Electronic surveillance Pretrial identification of the defendant Request required.
Statements	<ul style="list-style-type: none"> Statements made to a State agent that the State intends to use (excludes preliminary hearing). Request required. 	<ul style="list-style-type: none"> All oral statements of the defendant and of any co-defendant. How the statements were obtained. Request required.
Tangible	<ul style="list-style-type: none"> Silent as to tangible evidence, etc. 	<ul style="list-style-type: none"> If the State intends to use... Documents Computer-generated evidence Recordings Photographs Tangible things Request required
Witnesses	<ul style="list-style-type: none"> Written statements of witnesses if state intends to use (excludes preliminary hearings). Request required. 	<ul style="list-style-type: none"> Written statements of witnesses the State intends to call to prove the State's case in chief or to rebut alibi testimony that are (i) signed by or adopted by the witness or (ii) contained in a police or investigative report. Names and addresses. Request required.

² The 2010 Amendments will require that any requests **be in writing and be filed with the court.**

DISTRICT COURT (Md. Rule 4-262)

Obligations of the Defense

THE OLD RULES	THE NEW RULES
<p>UPON REQUEST</p> <ul style="list-style-type: none"> • Line-up • Speak for identification • Fingerprints • Photographs • Articles of clothing • Material under fingernails • Blood samples • Hair samples • Handwriting examples • Physical examinations • Mental examinations 	<p style="text-align: center;">Request is required for all discovery.³</p> <p>UPON REQUEST</p> <ul style="list-style-type: none"> • Fingerprints • Photographs • Handwriting • Voice • Appearing, moving, or speaking for identification in a lineup • Try on clothing or other articles. <p>UPON MOTION</p> <ul style="list-style-type: none"> • Buccal samples • Blood • Urine • Saliva • Breath • Hair • Nails/material under nails • Physical examination • Mental examination
<ul style="list-style-type: none"> • Silent as to experts 	<ul style="list-style-type: none"> • If the defense intends to use... • Expert's name and address. • Subject matter/substance of the expert's findings and opinions. • Summary of the grounds for each opinion. • Written reports or statements. • Results of examinations, tests, experiments, and comparisons. • Substance of any oral report and conclusion. • Request required.

³ The 2010 Amendments will require that any requests **be in writing and be filed with the court.**