

*Appeals In Criminal Cases*12. *Right of Appeal By Defendant.*

*A defendant in a criminal action may appeal to the Court of Appeals from any conviction or sentence imposed by a circuit court of a county or the Criminal Court of Baltimore other than a conviction or sentence imposed by a circuit court of a county or the Criminal Court of Baltimore in the proper exercise of its jurisdiction on appeal from a Trial Magistrate. An appeal under this section shall not stay execution of sentence unless counsel for the defendant so appealing shall make oath that the appeal is not taken for delay. Upon taking such appeal the defendant so appealing shall, in all cases not punishable by death or imprisonment in the penitentiary, be entitled to remain on bail, and in other cases not capital, the court from which the appeal is taken shall have the discretionary power to admit to bail; provided that nothing herein contained shall be construed to prohibit the court from requiring additional or greater bail pending an appeal than such defendant may already have given before conviction.*

13. *Right Of Appeal Where Sentence Suspended.*

*In all criminal actions where sentence has been suspended by the court the defendant shall have a right to appeal to the Court of Appeals under Section 12 of this Article in the same manner as if sentence or judgment had been entered in said action.*

14. *Right Of Appeal By State.*

*The State may appeal to the Court of Appeals from a final order or judgment granting a motion to dismiss, or quashing or dismissing any indictment, information, presentment or inquisition in a criminal action, but the State shall have no right of appeal in any criminal action where the defendant has been tried and acquitted.*

15. *Forma Pauperis Appeals In Death Sentence Cases.*

*In a criminal action where a sentence of death is imposed and the defendant files an oath in "forma pauperis" and an order for appeal pursuant to and within the time limited by the Rules of the Court of Appeals, the court imposing such sentence shall sign an order directing the record to be transmitted to the Court of Appeals at the expense of the State.*

16. *Technical Errors Not Affecting Substantial Rights.*

*In an appeal in a criminal action the Court of Appeals shall give judgment without regard to technical errors, defects or exceptions which do not affect the substantial rights of the parties.*

17. *Remand For Sentence—Deduction Of Time Already Served.*

*If the Court of Appeals shall remand a criminal action to the lower court in order that such court may pronounce the proper judgment or sentence, the lower court in passing sentence shall deduct from the term of the sentence the time already served by the defendant under the previous sentence from the date of his conviction.*