

vidual shall state that he is a defective delinquent, the court shall summon the individual before it for hearing, and may in its discretion summon other witnesses and secure further evidence. Upon the application of the State, or of the defendant for a jury trial, or upon its own motion, the court shall empanel a jury of twelve persons to be selected by the court from the jurors then in attendance upon said court; or if the court is in recess, the jurors shall be selected from those in attendance at the term of court at which said petition is heard. The court shall direct such jury after hearing to find specially, by its verdict, whether the defendant is a defective delinquent as defined in Section 5. In the absence of request for finding by a jury, the court may make such determination sitting as judge and jury. The defendant when summoned for hearing shall be given a copy of the report of the institution; he shall be represented by counsel of his own choice, or if he makes no choice, by competent counsel appointed by the court, and shall be given full opportunity to summon witnesses to and present evidence at the said hearing. *Counsel appointed herein by the court may also represent the defendant in prosecuting an application for leave to appeal and in appealing as provided in Section 11 of this article.*

#### 11.

From any court order issued under the provisions of Section 9, or of Section 10, [there shall be the same right of appeal to the Court of Appeals as in other civil proceedings.] *within thirty (30) days after the passage of the order, application may be made to the Court of Appeals for leave to appeal from the order. The application for leave to appeal shall be in such form as the Court of Appeals may, by its rules, prescribe. If the Attorney General or the State's Attorney shall state an intention to file an application for leave to appeal, the order may be stayed. If the application for leave to appeal is granted, the procedure for appeal shall conform with the rules of the Court of Appeals. On appeal, the Court may affirm, reverse or modify the order appealed, or it may remand the case for further proceedings. If the application for leave to appeal is denied, the order sought to be reviewed shall become final to the same extent and with the same effect as if the order had been affirmed on appeal.*

#### 11A.

*Whenever a defendant desires to file an application for leave to appeal in order to appeal as provided in Section 11, and is unable by reason of poverty to pay the cost of the application and of appeal, he may file, with the court making the order from which appeal is sought, a petition under oath alleging the fact of his poverty and his inability to defray the expense of making application and of appealing. The court upon being satisfied of the defendant's poverty shall sign an order directing that all costs, including but not limited to, all court costs, the cost of preparing the transcript of testimony, the cost of preparing and transmitting the record, and the cost of the briefs, appendices and printed record extract necessary in connection with the appeal shall be paid by the political sub-division from which the appeal is taken and that the record shall be transmitted to the Court of Appeals at the expense of the political sub-division. A copy of the order shall be included in the record transmitted to the Court of Appeals and the payment of all filing fees to the clerk of the Court of Appeals in connection with the ap-*