

notated Code of Maryland (1957 Edition), title, "Appeals", Section 12, be, and the same is hereby repealed and re-enacted to read as follows:

§ 12. Right of Appeal by Defendant [—When Appeal not to stay execution of sentence; bail].

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. *A defendant in a criminal action may appeal to the Court of Appeals from any conviction or sentence imposed by the Criminal Court of Baltimore except that an appeal to the Court of Appeals from a conviction or sentence imposed by the Criminal Court of Baltimore in the proper exercise of its jurisdiction on appeal from the Municipal Court of Baltimore City shall be permitted only in those cases specifically set forth in Section 12A of this article.* [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.]

SEC. 3. *And be it further enacted,* That two new sections be and they are hereby added to Article 5 of the Annotated Code of Maryland (1957 Edition), Title, "Appeals", to follow immediately after Section 12 thereof, said new sections to read as follows:

§ 12 A. *Right of appeal by defendant in cases appealed from Municipal Court of Baltimore City.*

*A defendant in a criminal action may appeal to the Court of Appeals from a conviction or sentence imposed by the Criminal Court of Baltimore in the proper exercise of its jurisdiction on appeal from the Municipal Court of Baltimore City only in the following cases:*

(1) *Where the Municipal Court of Baltimore City lacked jurisdiction to hear, try and determine the case on the merits; or*

(2) *Where the sentence of the Municipal Court of Baltimore City was imprisonment only and the sentence of the Criminal Court of Baltimore on appeal therefrom is imprisonment for a greater term, or imprisonment for the same term and a fine; or*

(3) *Where the sentence of the Municipal Court of Baltimore City was a fine only and the sentence of the Criminal Court of Baltimore on appeal therefrom is any imprisonment, with or without a fine, or a greater fine; or*

(4) *Where the sentence of the Municipal Court of Baltimore City was both fine and imprisonment and the sentence of the Criminal*