

sixtieth birthday is entitled to benefits under the provisions of this section immediately upon his resignation, but in no event in a sum greater than was provided in this section at the time he resigned; and except for a judge who has resigned or who resigns because of incapacitating illness, no other judge who has resigned or who resigns prior to reaching his sixtieth birthday is entitled to any benefits under the provisions of this section. The mayor and city council of Baltimore and the county commissioners or county councils of the several counties are hereby expressly authorized to levy for and pay additional pensions or salaries to such former judges of the Court of Appeals, *the Court of Special Appeals*, the Supreme Bench of Baltimore City and the circuit courts of the counties who served or may hereafter serve in the judicial circuits in which the City of Baltimore or any county exercising the authority conferred herein is located; and any such provision heretofore made is hereby ratified and confirmed.

SEC. 4. *And be it further enacted*, That Sections 645A (b) and (e), 645E and 645-I of Article 27 of the said Code (1965 Supplement), title "Crimes and Punishments", sub-title "Venue, Procedure and Sentence", subheading "Post Conviction Procedure", be and they are hereby repealed and re-enacted, with amendments, and all to read as follows:

Article 27

645A.

(b) For the purposes of this subtitle, an allegation of error shall be deemed to be finally litigated when the Court of Appeals or *Court of Special Appeals* has rendered a decision on the merits thereof, either upon direct appeal or upon any consideration of an application for leave to appeal filed pursuant to Section 645-I of this subtitle; or when a court of original jurisdiction, after a full and fair hearing, has rendered a decision on the merits thereof upon a petition for a writ of habeas corpus or a writ of error coram nobis, unless said decision upon the merits of such petition is clearly erroneous.

(e) The remedy herein provided is not a substitute for, nor does it affect any remedies which are incident to the proceedings in the trial court or before the trial magistrate (including a judge of the Municipal Court of Baltimore City or of the people's court of any county) or any remedy of direct review of the sentence or conviction. A petition for relief under this subtitle may be filed at any time. **[Hereafter no]** No appeals to the Court of Appeals of Maryland or *the Court of Special Appeals* in habeas corpus or coram nobis cases, or from other common-law or statutory remedies which have heretofore been available for challenging the validity of incarceration under sentence of death or imprisonment shall be permitted or entertained, except appeals in such cases pending in the Court of Appeals on June 1, 1958, shall be processed in due course. Provided, however, that nothing in this subtitle shall operate to bar an appeal to the Court of Appeals (1) in a habeas corpus proceeding instituted under Section 25 of Article 41 of this Code or (2) in any other proceeding in which a writ of habeas corpus is sought for any purpose other than to challenge the legality of a conviction of a crime or sentence of death or imprisonment therefor, including confinement as a result of a proceeding under Article 31B of this Code.