

TO BAIL, OR IF A JUDGE SETS BAIL CLAIMED TO BE EXCESSIVE PRIOR TO TRIAL OR AFTER CONVICTION, BUT PRIOR TO FINAL JUDGMENT, A PETITIONER MAY APPLY TO THE COURT OF SPECIAL APPEALS FOR LEAVE TO APPEAL FROM THE REFUSAL.

(B) APPLICATION FOR LEAVE TO APPEAL TO BE FILED WITHIN 10 DAYS.

(1) A PETITIONER SHALL FILE THE APPLICATION FOR LEAVE TO APPEAL WITHIN 10 DAYS AFTER THE DENIAL OR GRANT OF HABEAS CORPUS RELIEF STATING BRIEFLY WHY THE ORDER OF THE LOWER COURT SHOULD BE REVERSED OR MODIFIED.

(2) THE RECORD ON THE APPLICATION FOR LEAVE TO APPEAL SHALL CONTAIN A COPY OF THE PETITION FOR HABEAS CORPUS, THE STATE'S ANSWER, IF ANY, THE ORDER OF THE COURT, AND [[ANY]] THE MEMORANDUM OF REASONS ISSUED BY THE JUDGE.

(3) IF THE COURT GRANTS THE APPLICATION, IT MAY ORDER THE PREPARATION OF A TRANSCRIPT OF ANY PROCEEDINGS RELATED TO THE HABEAS CORPUS PETITION.

(C) DETERMINATION BY COURT OF SPECIAL APPEALS.

(1) THE COURT OF SPECIAL APPEALS MAY GRANT OR DENY THE APPLICATION FOR LEAVE TO APPEAL. IF THE COURT GRANTS THE APPLICATION, IT MAY AFFIRM, REVERSE, OR MODIFY THE ORDER OF THE LOWER COURT GRANTING OR DENYING THE RELIEF SOUGHT BY THE WRIT.

(2) IF THE COURT DETERMINES THAT THE LOWER COURT WAS WRONG IN REFUSING TO ADMIT TO BAIL OR THAT THE BAIL SET IS NOT APPROPRIATE, IT MAY DETERMINE THE PROPER AMOUNT OF BAIL. THIS DETERMINATION IS BINDING ON THE LOWER COURT, UNLESS A CHANGE OF CIRCUMSTANCES WARRANTS A DIFFERENT DECISION.

REVISOR'S NOTE: This section is new language derived from Art. 42, §20. The provision which apparently requires inclusion of a transcript of the proceedings conducted incident to the habeas corpus petition before the application for leave to appeal is granted, is proposed for deletion. Apparently this is a typographical error in the legislation. The Court of Appeals held in Bigley and Fleming v. Warden, 16 Md. App. 1 (1972) that this portion of the