

OWN MOTION.

SEC. 12-202. EXCEPTIONS.

NO REVIEW BY WAY OF CERTIORARI MAY BE GRANTED BY THE COURT OF APPEALS IN A CASE OR PROCEEDING IN WHICH THE COURT OF SPECIAL APPEALS HAS DENIED OR GRANTED:

(1) LEAVE TO PROSECUTE AN APPEAL IN A POST CONVICTION PROCEEDING;

(2) LEAVE TO PROSECUTE AN APPEAL IN A DEFECTIVE DELINQUENT PROCEEDING;

(3) A PETITION FOR CERTIORARI UNDER § 12-305 OF THIS TITLE; OR

(4) LEAVE TO APPEAL FROM A REFUSAL TO ISSUE A WRIT OF HABEAS CORPUS SOUGHT FOR THE PURPOSE OF DETERMINING THE RIGHT TO BAIL OR THE APPROPRIATE AMOUNT OF BAIL.

SEC. 12-203. ACTION BY COURT OF APPEALS.

IF THE COURT OF APPEALS FINDS THAT REVIEW OF THE CASE DESCRIBED IN §12-201 IS DESIRABLE AND IN THE PUBLIC INTEREST, THE COURT OF APPEALS SHALL REQUIRE BY WRIT OF CERTIORARI THAT THE CASE BE CERTIFIED TO IT FOR REVIEW AND DETERMINATION. THE WRIT MAY ISSUE BEFORE OR AFTER THE COURT OF SPECIAL APPEALS HAS RENDERED A DECISION. THE COURT OF APPEALS MAY BY RULE PROVIDE FOR THE NUMBER OF ITS JUDGES WHO MUST CONCUR TO GRANT THE WRIT OF CERTIORARI IN ANY CASE, BUT THAT NUMBER MAY NOT EXCEED THREE. REASONS FOR THE DENIAL OF THE WRIT SHALL BE IN WRITING.

REVISOR'S NOTE: Sections 12-201 through 12-203 are Art. 5, § 21A, rearranged for clarity. They also include portions of §§ 5C(a)(3) and 5D(b)(2) as added to Art. 5, by Ch. 56, Acts of 1973.

The term "circuit court", as used in §12-201, includes the various Supreme Bench courts; see § 12-101(d).

These provisions permit review by the Court of Appeals prior as well as subsequent to a decision in the Court of Special Appeals and allow the Court of Appeals to review on its