

SEC. 12-302. EXCEPTIONS.

(A) UNLESS A RIGHT OF APPEAL IS EXPRESSLY GRANTED BY LAW, §12-301 DOES NOT PERMIT AN APPEAL FROM A FINAL JUDGMENT OF A COURT ENTERED OR MADE IN THE EXERCISE OF APPELLATE JURISDICTION IN REVIEWING THE DECISION OF THE DISTRICT COURT, AN ADMINISTRATIVE AGENCY, OR A LOCAL LEGISLATIVE BODY.

REVISOR'S NOTE: This section is intended to continue the present law; see e.g. the last clause of Art. 5, §1; Warfield v. Latrobe, 46 Md. 123 (1877) and Cumberland Valley R.R. v. Martin, 100 Md. 165, 59A 714 (1905). For a general provision permitting appeals after review of administrative agency decisions, see Art. 41, §256. Other provisions are contained in particular statutes dealing with administrative agencies. For provisions dealing with certiorari, see §12-305. An appeal from a circuit court decision reviewing an orphans' court decision is permitted, since not included in the exceptions; see present Art. 5, §25, and subtitle 5.

(B) SEC. 12-301 DOES NOT APPLY TO APPEALS IN CONTEMPT CASES, WHICH ARE GOVERNED BY §§12-304 AND 12-403.

REVISOR'S NOTE: This subsection states present law.

(C) IN A CRIMINAL CASE, THE STATE MAY APPEAL ONLY FROM A FINAL JUDGMENT GRANTING A MOTION TO DISMISS OR QUASHING OR DISMISSING ANY INDICTMENT, INFORMATION, PRESENTMENT, OR INQUISITION IN A CRIMINAL CASE.

REVISOR'S NOTE: Subsection (c) is essentially the language of Art. 5, §14. The language proscribing an appeal by the State after an acquittal is omitted since the State may only appeal in the limited situations set forth in the section in any event.

(D) SEC. 12-301 DOES NOT PERMIT AN APPEAL FROM THE DECISION OF THE JUDGES OF A CIRCUIT COURT SITTING IN BANC PURSUANT TO ARTICLE IV, §22 OF THE CONSTITUTION, IF THE PARTY SEEKING TO APPEAL IS THE PARTY WHO MOVED TO HAVE THE POINT OR QUESTION RESERVED FOR CONSIDERATION OF THE COURT IN BANC.