

REVISOR'S NOTE: The first paragraph is essentially Art. 5, §24. The second is Art. 5, §11. Although Md. Rule 816 provides that the filing of an order for appeal from a decision dealing with issues sent from an orphans' court shall operate as a stay, it only so operates to the extent provided by Art. 5, §24. Thus, it is necessary to preserve the substance of this section. Because of similar language in Rule 817 (on direct appeal from orphans' court, judgment not stayed by filing supersedeas bond except to extent provided by Art. 5, §11) it is also necessary to retain the substance of §11. The only other changes made are in style.

(B) APPEAL FROM COURT SITTING AS A JUVENILE COURT. AN APPEAL FROM THE JUDGMENT OF A JUVENILE COURT, INCLUDING THE DISTRICT COURT, IN THE EXERCISE OF ITS JUVENILE JURISDICTION IN MONTGOMERY COUNTY, AND WITH RESPECT TO A CHILD, DOES NOT STAY THE FINAL JUDGMENT APPEALED FROM, NOR DOES IT DISCHARGE THE CHILD FROM CUSTODY OF A PERSON, INSTITUTION, OR AGENCY TO WHOSE CARE THE CHILD WAS COMMITTED BY THE COURT. THE APPELLATE COURT MAY AUTHORIZE A STAY, ON APPLICATION AND HEARING, IF IT FINDS THAT SUITABLE PROVISION IS MADE FOR THE CARE AND CUSTODY OF THE CHILD.

REVISOR'S NOTE: This subsection combines portions of Art. 26, §§70-25 and 87.

SEC. 12-702. SENTENCES FOLLOWING APPEALS.

(A) REMAND FOR SENTENCE - MANDATORY CREDIT FOR TIME SERVED.

IF AN APPELLATE COURT REMANDS A CRIMINAL CASE TO A LOWER COURT IN ORDER THAT THE LOWER COURT MAY PRONOUNCE THE PROPER JUDGMENT OR SENTENCE, THE LOWER COURT SHALL DEDUCT FROM THE TERM OF THE NEW SENTENCE THE TIME SERVED BY THE DEFENDANT UNDER THE PREVIOUS SENTENCE FROM THE DATE OF HIS CONVICTION. IF THE PREVIOUS SENTENCE WAS A STATUTORY MAXIMUM SENTENCE, THE LOWER COURT ALSO SHALL GIVE CREDIT FOR ANY PERIOD OF INCARCERATION PRIOR TO THE PREVIOUS SENTENCE, IF THE INCARCERATION WAS RELATED TO THE OFFENSE FOR WHICH THE SENTENCE WAS IMPOSED.

REVISOR'S NOTE: The first sentence is Art. 5, §17, with minor editorial changes, except that the