

(II) IN SUCH CASES, THE APPEAL SHALL BE MADE BEFORE JEOPARDY ATTACHES TO THE DEFENDANT. HOWEVER, IN THESE CASES, THE APPEAL SHALL BE TAKEN NOT MORE THAN 15 DAYS AFTER THE DECISION HAS BEEN RENDERED AND SHALL BE DILIGENTLY PURSUED.

(III) WITHIN 120 DAYS AFTER THE APPEAL IS FILED, THE APPEAL SHALL BE HEARD AND THE DECISION RENDERED ON THE APPEAL; OTHERWISE, THE DECISION OF THE TRIAL COURT SHALL BE FINAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

May 19, 1981

The Honorable Benjamin L. Cardin
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 516.

This bill gives the State the right to appeal rulings of a trial court suppressing evidence vital to the prosecution of violent crimes. The State does not now enjoy the right to appeal an adverse ruling regardless of how erroneous the ruling might be.

The defendant presently has the right to have an adverse ruling on a pre-trial motion reviewed on appeal not at the time of the ruling but at the conclusion of the trial if he is found guilty. The bill also gives the defendant the unnecessary right to an immediate appeal of an adverse ruling on a pre-trial motion which would abate the trial at that point. Though, implementation of this procedure may seem equitable at first glance, it could be utilized in a fashion that would serve to frivolously obstruct the timely disposition of criminal cases, and would serve to place an even greater burden upon the already overburdened Court of Special Appeals.

For this reason I have decided to veto House Bill 516.

Sincerely,
Harry Hughes
Governor
