

(1) BEFORE EXAMINATION BEGINS IN A CRIMINAL CASE OR, FOR GOOD CAUSE SHOWN, AFTER A JURY IS SWORN BUT BEFORE IT RECEIVES EVIDENCE, A PARTY MAY MOVE TO DISMISS A CHARGING DOCUMENT OR STAY THE CASE ON THE GROUND OF SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OF THIS TITLE IN SELECTING THE GRAND OR TRIAL JURY.

(2) A MOTION UNDER THIS SECTION SHALL CONTAIN A SWORN STATEMENT OF FACTS THAT, IF TRUE, WOULD CONSTITUTE A SUBSTANTIAL FAILURE TO COMPLY WITH THIS TITLE.

(C) ACCESS TO RECORD.

ON A SHOWING THAT A PARTY NEEDS ACCESS TO A RECORD TO PREPARE FOR A HEARING ON A MOTION PENDING UNDER THIS SECTION, A TRIAL JUDGE MAY ALLOW THE PARTY TO INSPECT AND COPY A RECORD AS NEEDED TO PREPARE.

(D) EVIDENCE.

A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION, INCLUDING:

(1) THE TESTIMONY OF THE JURY COMMISSIONER; AND

(2) RELEVANT RECORDS, WHETHER OR NOT PUBLIC, THAT THE JURY COMMISSIONER USED.

(E) DUTY OF TRIAL JUDGE - GRAND JURY.

(1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY, THE JUDGE SHALL:

(I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN COMPLIANCE WITH THIS TITLE; OR

(II) DISMISS THE CHARGING DOCUMENT.

(2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY AND FINDS THE FAILURE LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE JUDGE SHALL:

(I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN COMPLIANCE WITH THIS TITLE; OR

(II) DISMISS THE CHARGING DOCUMENT.

(F) DUTY OF TRIAL JUDGE - TRIAL JURY.

(1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.