

APPEALS BY FILING AN APPLICATION FOR LEAVE TO APPEAL IN ACCORDANCE WITH THE MARYLAND RULES.

(E) (1) NOT EARLIER THAN 6 MONTHS AFTER A FINDING OF COMPETENCE, THE INMATE MAY PETITION THE COURT FOR A REDETERMINATION OF COMPETENCE.

(2) A PETITION UNDER THIS SUBSECTION MUST BE ACCOMPANIED BY AN AFFIDAVIT OF AT LEAST ONE PSYCHIATRIST, BASED, AT LEAST IN PART, ON PERSONAL EXAMINATION OF--THE--INMATE, ATTESTING:

(I) THAT, IN THE PSYCHIATRIST'S MEDICAL OPINION, THE INMATE IS INCOMPETENT;

(II) THAT THE INCOMPETENCE AROSE SINCE THE PRIOR FINDING OF COMPETENCE; AND

(III) THE PERTINENT FACTS ON WHICH EACH OPINION IS BASED, INCLUDING THE FACTS THAT SHOW THE CHANGE IN THE INMATE'S CONDITION SINCE THE PRIOR FINDING.

(3) PROCEEDINGS ON A PETITION UNDER THIS SUBSECTION SHALL BE IN ACCORDANCE WITH SUBSECTIONS (C) AND (D) OF THIS SECTION.

(F) THE FORM OF PETITIONS AND ALL OTHER PLEADINGS, AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROCEDURES TO BE FOLLOWED BY THE CIRCUIT COURT IN DETERMINING COMPETENCY OR INCOMPETENCY AND BY THE COURT OF APPEALS IN REVIEWING APPLICATIONS FOR LEAVE TO APPEAL SHALL BE AS SPECIFIED IN THE MARYLAND RULES.

(G) THIS SECTION DOES NOT AFFECT THE POWER OF THE GOVERNOR TO STAY EXECUTION OF A DEATH SENTENCE UNDER § 75(C) OF THIS ARTICLE OR TO COMMUTE A DEATH SENTENCE UNDER ARTICLE 41, § 4-603 OF THE CODE.

Article - Courts and Judicial Proceedings

12-307.

The Court of Appeals has:

(1) Jurisdiction to review a case or proceeding pending in or decided by the Court of Special Appeals in accordance with Subtitle 2 of this title;

(2) Jurisdiction to review a case or proceeding decided by a circuit court, in accordance with § 12-305 of this article;