

Article — Courts and Judicial Proceedings

12-401.

~~(a) A party in a civil case or the defendant in a criminal case may appeal from a final judgment entered in the District Court. In a criminal case, the State may appeal from a final judgment if the State alleges that the trial judge failed to impose the sentence specifically mandated by the Code. In a criminal case, the defendant may appeal even though imposition or execution of sentence has been suspended.~~

~~(b) (1) A defendant who has been found guilty of [a municipal infraction, as defined in Article 23A, Section 3(b)(1) of the Code or] a Code violation under Article 27, § 403B of the Code, may appeal from the final judgment entered in the District Court. The costs and procedures for taking the appeal shall be as provided for appeals from criminal cases in the District Court. Except, however, as provided in subsection (d) of this section, the appellate court shall docket and hear the appeal as a civil appeal from the District Court.~~

~~(2) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A MUNICIPAL INFRACTION, AS DEFINED IN ARTICLE 23A, § 3(B)(1) OF THE CODE, MAY APPEAL FROM THE FINAL JUDGMENT ENTERED IN THE DISTRICT COURT. THE COSTS AND PROCEDURES FOR TAKING THE APPEAL SHALL BE AS PROVIDED FOR APPEALS FROM CIVIL CASES IN THE DISTRICT COURT. THE APPELLATE COURT SHALL DOCKET AND HEAR THE APPEAL AS A CIVIL APPEAL FROM THE DISTRICT COURT.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection, an appeal shall be taken by filing an order for appeal with the clerk of the District Court within 30 days from the date of the final judgment from which appealed.~~

~~(2) If the final judgment was entered in a case filed under § 8-332, § 8-401, § 8-402, § 14-109, or § 14-120 of the Real Property Article, the order for appeal shall be filed within the time prescribed by the particular section.~~

~~(d) In a civil case in which the amount in controversy exceeds \$2,500 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract, in any matter arising under § 4-401(7)(iii) of this article, IN ANY MUNICIPAL INFRACTION PROCEEDING, and in any case in which the parties so agree, an appeal shall be heard on the record made in the District Court. In every other case, including a criminal case in which sentence has been imposed or suspended following a plea of nolo contendere or guilty, and an appeal in a [municipal infraction or] Code violation case, an appeal shall be tried de novo.~~

~~(e) In a criminal appeal that is tried de novo, there is no right to a jury trial unless the offense charged is subject to a penalty of imprisonment or unless there is a constitutional right to a jury trial for that offense.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved May 11, 1993.