

~~(4)~~ (5) (I) A DEFENDANT IN A CASE IN WHICH A SENTENCE OF DEATH HAS BEEN IMPOSED MAY WAIVE THE RIGHT TO FILE A PETITION UNDER THIS SUBHEADING PRIOR TO THE EXPIRATION OF THE ~~180-DAY~~ 210-DAY PERIOD ESTABLISHED IN PARAGRAPH (3) OF THIS SUBSECTION PROVIDED THAT THE WAIVER IS:

1. KNOWING, VOLUNTARY, AND INTELLIGENT; AND
2. IN WRITING.

(II) A WAIVER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE REVOKED NO LATER THAN 15 DAYS BEFORE THE SCHEDULED DATE OF EXECUTION BY:

1. FILING A PETITION FOR POSTCONVICTION RELIEF UNDER THIS SECTION SUBHEADING; OR
2. WITHDRAWING THE WAIVER IN WRITING.

~~(H)~~ (III) A WAIVER OF THE RIGHT TO FILE A PETITION UNDER THIS SUBHEADING PRIOR TO THE EXPIRATION OF THE ~~180-DAY~~ 210-DAY PERIOD ESTABLISHED IN PARAGRAPH (3) OF THIS SUBSECTION SHALL CONCLUDE THE STATE POSTCONVICTION REVIEW PROCESS FOR THE PURPOSES OF § 75 OF THIS ARTICLE.

(IV) THE REVOCATION OF A WAIVER UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH SHALL CONTINUE THE STATE POSTCONVICTION REVIEW PROCESS FOR THE PURPOSES OF § 75 OF THIS ARTICLE.

(V) THE REVOCATION OF A WAIVER UNDER SUBPARAGRAPH (II)2 OF THIS PARAGRAPH SHALL CONTINUE THE STATE POSTCONVICTION REVIEW PROCESS FOR THE PURPOSES OF § 75 OF THIS ARTICLE UNTIL THE FILING OF A PETITION FOR POSTCONVICTION RELIEF OR THE EXPIRATION OF THE ~~180-DAY~~ 210-DAY PERIOD ESTABLISHED IN PARAGRAPH (3) OF THIS SUBSECTION, WHICHEVER OCCURS FIRST.

(b) For the purposes of this subtitle, an allegation of error shall be deemed to be finally litigated when an appellate court of the State has rendered a decision on the merits thereof, either upon direct appeal or upon any consideration of an application for leave to appeal filed pursuant to § 645-I of this subtitle; or when a court of original jurisdiction, after a full and fair hearing, has rendered a decision on the merits thereof upon a petition for a writ of habeas corpus or a writ of error coram nobis, unless said decision upon the merits of such petition is clearly erroneous.

(c) (1) For the purposes of this subtitle, an allegation of error shall be deemed to be waived when a petitioner could have made, but intelligently and knowingly failed to make, such allegation before trial, at trial, on direct appeal (whether or not the petitioner actually took such an appeal), in an application for leave to appeal a conviction based on a guilty plea, in any habeas corpus or coram nobis proceeding actually instituted by said