

645JA.

(a) Unless [no different sentence could have been imposed or unless] the sentence was imposed by more than one trial judge, every person convicted of a crime by any trial court of this State and sentenced to serve, with or without suspension, a total of more than two years imprisonment in any penal or correctional institution in this State shall be entitled to have the sentence reviewed by a panel of three or more trial judges of the judicial circuit in which the sentencing court is located. However, a person has no right to have any sentence reviewed more than once pursuant to this section. Notwithstanding any rule of the Court of Appeals to the contrary, the judge who sentenced the convicted person shall not be one of the members of the panel, but if he so desires he may sit with the panel in an advisory capacity only.

(b) The review of a sentence of death is governed by the provisions of § 414 of this article.

645JC.

(a) The panel shall have the right to require the Division of Parole and Probation to investigate, report, and make recommendations with regard to any such application for review.

(b) (1) The panel shall consider each application for review and shall have the power, with a hearing, to order a different sentence to be imposed or served, including, by way of illustration and not by way of limitation, an increased or decreased sentence, or a suspended sentence to be served in whole or in part, or a sentence to be suspended with or without probation, upon such terms and conditions as the panel may deem just and which could lawfully have been imposed by the sentencing court at the time of the imposition of the sentence under review, or the panel may decide that the sentence under review should remain unchanged.

(2) (I) IN THE MANNER PROVIDED IN THIS SECTION, AND SUBJECT TO ITEM (II) OF THIS PARAGRAPH, AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE PANEL MAY ORDER A DIFFERENT SENTENCE, INCLUDING A DECREASE, IN A MANDATORY MINIMUM SENTENCE OTHERWISE REQUIRED BY LAW.

(II) A PANEL MAY NOT ORDER A DECREASE IN A MANDATORY MINIMUM SENTENCE UNLESS THE PANEL'S DECISION IS UNANIMOUS.

(3) A PANEL MAY NOT ORDER A DECREASE IN A MANDATORY MINIMUM SENTENCE UNLESS:

(I) THE PANEL'S DECISION IS UNANIMOUS; AND

(II) THE PANEL DETERMINES THAT THE MANDATORY SENTENCE IMPOSED WOULD RESULT IN A MISCARRIAGE OF JUSTICE.

(c) Without holding a hearing, the panel may decide that the sentence under review should remain unchanged.