

(2) THIS SUBTITLE DOES NOT BAR AN APPEAL TO THE COURT OF SPECIAL APPEALS:

(I) IN A HABEAS CORPUS PROCEEDING BEGUN UNDER § 9-110 OF THIS ARTICLE; OR

(II) IN ANY OTHER PROCEEDING IN WHICH A WRIT OF HABEAS CORPUS IS SOUGHT FOR A PURPOSE OTHER THAN TO CHALLENGE THE LEGALITY OF A CONVICTION OF A CRIME OR SENTENCE OF DEATH OR IMPRISONMENT FOR THE CONVICTION OF THE CRIME, INCLUDING CONFINEMENT AS A RESULT OF A PROCEEDING UNDER TITLE 4 OF THE CORRECTIONAL SERVICES ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, third, and fourth sentences of former Art. 27, § 645A(e).

In subsection (a) of this section, the phrase "under this title" is added for clarity.

In subsection (b)(1) of this section, the former reference to "appeals in such cases pending in the Court of Appeals on June 1, 1958, ... [being] processed in due course" is deleted as obsolete.

Also in subsection (b)(1) of this section, the former reference to appeals "in habeas corpus or coram nobis cases, or from other common-law or statutory remedies which have heretofore been available" is deleted as implied in the reference to an "appeal".

Defined term: "Person" § 1-101

7-108. RIGHT TO COUNSEL AND HEARING.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON IS ENTITLED TO ASSISTANCE OF COUNSEL AND A HEARING ON A PETITION FILED UNDER THIS TITLE.

(B) EXCEPTIONS.

(1) IF A PERSON SEEKS TO REOPEN A POSTCONVICTION PROCEEDING UNDER § 7-104 OF THIS SUBTITLE, THE COURT SHALL DETERMINE WHETHER ASSISTANCE FROM COUNSEL OR A HEARING SHOULD BE GRANTED.

(2) IF AN APPEAL HAS BEEN TAKEN FROM THE JUDGMENT OF CONVICTION TO THE COURT OF SPECIAL APPEALS, UNTIL THE JUDGMENT OF CONVICTION BECOMES FINAL IN THE COURT OF SPECIAL APPEALS, THE COURT NEED NOT:

(I) APPOINT COUNSEL;

(II) HOLD A HEARING; OR

(III) ACT ON THE PETITION.