

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 645A(f) and, as it related to appeals pending in the Court of Special Appeals, the second sentence of (e).

In subsections (a) and (b) of this section, the term "person" is substituted for the former references to "petitioner" and "defendant" to conform to the terminology used throughout this title.

Defined term: "Person" § 1-101

7-109. APPEAL OF FINAL ORDER.

(A) APPLICATION.

WITHIN 30 DAYS AFTER THE COURT PASSES AN ORDER IN ACCORDANCE WITH THIS SUBTITLE, A PERSON AGGRIEVED BY THE ORDER, INCLUDING THE ATTORNEY GENERAL AND A STATE'S ATTORNEY, MAY APPLY TO THE COURT OF SPECIAL APPEALS FOR LEAVE TO APPEAL THE ORDER.

(B) APPEAL PROCEDURE.

(1) THE APPLICATION FOR LEAVE TO APPEAL SHALL BE IN THE FORM SET BY THE MARYLAND RULES.

(2) IF THE ATTORNEY GENERAL OR A STATE'S ATTORNEY STATES AN INTENTION TO FILE AN APPLICATION FOR AN APPEAL UNDER THIS SECTION, THE COURT MAY:

(I) STAY THE ORDER; AND

(II) SET BAIL FOR THE PETITIONER.

(3) IF THE APPLICATION FOR LEAVE TO APPEAL IS GRANTED:

(I) THE PROCEDURE FOR THE APPEAL SHALL MEET THE REQUIREMENTS OF THE MARYLAND RULES; AND

(II) THE COURT OF SPECIAL APPEALS MAY:

1. AFFIRM, REVERSE, OR MODIFY THE ORDER APPEALED FROM; OR

2. REMAND THE CASE FOR FURTHER PROCEEDINGS.

(4) IF THE APPLICATION FOR LEAVE TO APPEAL IS DENIED, THE ORDER SOUGHT TO BE REVIEWED BECOMES FINAL.

(C) COSTS.

THE COURT OF SPECIAL APPEALS SHALL DIRECT THE POLITICAL SUBDIVISION IN WHICH AN ORDER IS PASSED TO PAY THE NECESSARY COSTS AND EXPENSES ASSOCIATED WITH A REVIEW UNDER THIS SECTION, INCLUDING ALL COURT COSTS, STENOGRAPHIC SERVICES, AND PRINTING, IF: