

State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 407 – Courts – Criminal Cases – State’s Right of Appeal.

This bill authorizes the State to appeal from a final judgment in a criminal case if the State alleges that the trial judge imposed or modified a sentence in violation of the Maryland Rules.

House Bill 333, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 407.

Sincerely,
Robert L. Ehrlich, Jr.
Governor

Senate Bill No. 407

AN ACT concerning

Courts – Criminal Cases – State’s Right of Appeal

FOR the purpose of authorizing the State to appeal from a final judgment in a criminal case if the State alleges that the trial judge imposed or modified a sentence in violation of the Maryland Rules; providing for the application of this Act; and generally relating to the State’s right to appeal from a final judgment in a criminal case.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 12–302(c)(2)
Annotated Code of Maryland
(2002 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

12–302.

(c) In a criminal case, the State may appeal as provided in this subsection.

(2) The State may appeal from a final judgment if the State alleges that the trial judge ~~failed~~:

(I) FAILED to impose the sentence specifically mandated by the Code; OR