

proceeding could follow a guilty plea.

In subsection (b)(3) of this section, the former phrase requiring the court to "dismiss the jury" is deleted as implicit.

Defined term: "Imprisonment for life without the possibility of parole" § 2-101

2-305. RULES GOVERNING SENTENCING PROCEEDINGS.

THE COURT OF APPEALS MAY ADOPT:

(1) RULES OF PROCEDURE TO GOVERN THE CONDUCT OF SENTENCING PROCEEDINGS UNDER §§ 2-303 AND 2-304 OF THIS SUBTITLE; AND

(2) FORMS FOR A COURT OR JURY TO USE IN MAKING WRITTEN FINDINGS AND SENTENCE DETERMINATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 413(l).

For rules of procedure and forms used in capital cases, see Md. Rule 4-343.

SUBTITLE 4. SAME — REVIEW BY COURT OF APPEALS.

2-401. PROCEDURE — AUTOMATIC REVIEW.

(A) IN GENERAL.

(1) AFTER A DEATH SENTENCE IS IMPOSED AND THE JUDGMENT BECOMES FINAL, THE COURT OF APPEALS SHALL REVIEW THE SENTENCE ON THE RECORD.

(2) THE COURT OF APPEALS SHALL CONSOLIDATE AN APPEAL FROM THE VERDICT WITH THE SENTENCE REVIEW.

(B) TRIAL COURT RECORD.

THE CLERK OF THE TRIAL COURT SHALL SEND TO THE CLERK OF THE COURT OF APPEALS:

(1) THE ENTIRE RECORD AND THE TRANSCRIPT OF THE SENTENCING PROCEEDING WITHIN 10 DAYS AFTER RECEIVING THE TRANSCRIPT;

(2) THE DETERMINATION AND WRITTEN FINDINGS OF THE COURT OR JURY; AND

(3) A REPORT OF THE TRIAL COURT THAT:

(I) IS IN THE FORM OF A STANDARD QUESTIONNAIRE SUPPLIED BY THE COURT OF APPEALS; AND

(II) INCLUDES A RECOMMENDATION BY THE TRIAL COURT AS TO WHETHER THE DEATH SENTENCE IS JUSTIFIED.

(C) BRIEFS; ORAL ARGUMENTS.