

THE DEFENDANT AND THE STATE MAY SUBMIT BRIEFS AND PRESENT ORAL ARGUMENTS TO THE COURT OF APPEALS WITHIN THE TIME ALLOWED BY THE COURT.

(D) CONSIDERATION BY COURT OF APPEALS.

(1) IN ADDITION TO ANY ERROR PROPERLY BEFORE THE COURT ON APPEAL, THE COURT OF APPEALS SHALL CONSIDER THE IMPOSITION OF THE DEATH SENTENCE.

(2) WITH REGARD TO THE DEATH SENTENCE, THE COURT OF APPEALS SHALL DETERMINE WHETHER:

(I) THE IMPOSITION OF THE DEATH SENTENCE WAS INFLUENCED BY PASSION, PREJUDICE, OR ANY OTHER ARBITRARY FACTOR;

(II) THE EVIDENCE SUPPORTS THE FINDING BY THE COURT OR JURY OF A STATUTORY AGGRAVATING CIRCUMSTANCE UNDER § 2-303(G) OF THIS TITLE; AND

(III) THE EVIDENCE SUPPORTS A FINDING BY THE COURT OR JURY THAT THE AGGRAVATING CIRCUMSTANCES OUTWEIGH THE MITIGATING CIRCUMSTANCES UNDER § 2-303(H) AND (I)(1) OF THIS SUBTITLE.

(3) IN ADDITION TO ITS REVIEW UNDER ANY DIRECT APPEAL, WITH REGARD TO THE DEATH SENTENCE, THE COURT OF APPEALS SHALL:

(I) AFFIRM THE DEATH SENTENCE;

(II) SET THE DEATH SENTENCE ASIDE AND REMAND THE CASE FOR A NEW SENTENCING PROCEEDING UNDER § 2-303 OF THIS TITLE; OR

(III) SET THE DEATH SENTENCE ASIDE AND REMAND THE CASE FOR MODIFICATION OF THE SENTENCE TO IMPRISONMENT FOR LIFE.

(E) RULES.

THE COURT OF APPEALS MAY ADOPT RULES OF PROCEDURE FOR THE EXPEDITED REVIEW OF DEATH SENTENCES UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 414.

In subsection (b)(1) of this section, the former reference to receipt of the transcript "by the trial court" is deleted as implicit in the requirement for the clerk "of the trial court" to send the record and transcript "after receiving" the transcript.

In subsection (b)(3)(i) of this section, the former reference to a questionnaire being "prepared [by the Court of Appeals]" is deleted as implicit in light of the reference to the questionnaire being "supplied" by the Court.

In subsection (c) of this section, the reference to submitting briefs and