

414. AUTOMATIC REVIEW OF DEATH SENTENCES.

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

(B) THE CLERK OF THE TRIAL COURT SHALL TRANSMIT TO THE CLERK OF THE COURT OF APPEALS THE ENTIRE RECORD AND TRANSCRIPT OF THE SENTENCING PROCEEDING WITHIN TEN DAYS AFTER RECEIPT OF THE TRANSCRIPT BY THE TRIAL COURT. THE CLERK ALSO SHALL TRANSMIT THE WRITTEN FINDINGS AND DETERMINATION OF THE COURT OR JURY AND A REPORT PREPARED BY THE TRIAL COURT. THE REPORT SHALL BE IN THE FORM OF A STANDARD QUESTIONNAIRE PREPARED AND SUPPLIED BY THE COURT OF APPEALS OF MARYLAND AND SHALL INCLUDE A RECOMMENDATION BY THE TRIAL COURT AS TO WHETHER OR NOT IMPOSITION OF THE SENTENCE OF DEATH IS JUSTIFIED IN THE CASE.

(C) BOTH THE STATE AND THE DEFENDANT MAY SUBMIT BRIEFS AND PRESENT ORAL ARGUMENT WITHIN THE TIME PROVIDED BY THE COURT.

(D) ANY APPEAL FROM THE VERDICT SHALL BE CONSOLIDATED IN THE COURT OF APPEALS WITH THE REVIEW OF SENTENCE.

(E) IN ADDITION TO THE CONSIDERATION OF ANY ERRORS PROPERLY BEFORE THE COURT ON APPEAL, THE COURT OF APPEALS SHALL CONSIDER THE IMPOSITION OF THE DEATH SENTENCE. WITH REGARD TO THE SENTENCE, THE COURT SHALL DETERMINE:

(1) WHETHER THE SENTENCE OF DEATH WAS IMPOSED UNDER THE INFLUENCE OF PASSION, PREJUDICE, OR ANY OTHER ARBITRARY FACTOR;

(2) WHETHER THE EVIDENCE SUPPORTS THE JURY'S OR COURT'S FINDING OF A STATUTORY AGGRAVATING CIRCUMSTANCE UNDER § 413(D);

(3) WHETHER THE EVIDENCE SUPPORTS THE JURY'S OR COURT'S FINDING THAT THE AGGRAVATING CIRCUMSTANCES ARE NOT OUTWEIGHED BY MITIGATING CIRCUMSTANCES; AND

(4) WHETHER THE SENTENCE OF DEATH IS EXCESSIVE OR DISPROPORTIONATE TO THE PENALTY IMPOSED IN SIMILAR CASES, CONSIDERING BOTH THE CRIME AND THE DEFENDANT.

(F) (1) IN ADDITION TO ITS REVIEW PURSUANT TO ANY DIRECT APPEAL, WITH REGARD TO THE DEATH SENTENCE, THE COURT SHALL:

(I) AFFIRM THE SENTENCE;

(II) SET ASIDE THE SENTENCE AND REMAND THE CASE FOR THE CONDUCT OF A NEW SENTENCING PROCEEDING UNDER § 413; OR

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