

IF THE COURT DETERMINES THAT THERE HAS BEEN A SUBSTANTIAL FAILURE TO COMPLY WITH:

(1) THE PROVISIONS OF §8-103 OF THIS TITLE IN SELECTING A PETIT JURY, THE COURT SHALL STAY THE PROCEEDINGS PENDING THE SELECTION OF A PETIT JURY IN CONFORMITY WITH THIS TITLE.

(2) THE PROVISIONS OF THIS TITLE, OTHER THAN THOSE CONTAINED IN §8-103, IN SELECTING A PETIT JURY, AND THIS FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVING PARTY, THE COURT SHALL STAY THE PROCEEDINGS PENDING THE SELECTION OF A PETIT JURY IN CONFORMITY WITH THIS TITLE.

(3) THE PROVISIONS OF §8-103 OF THIS TITLE IN SELECTING A GRAND JURY, THE COURT SHALL STAY THE PROCEEDINGS PENDING THE SELECTION OF A GRAND JURY IN CONFORMITY WITH THIS TITLE OR DISMISS THE INDICTMENT, WHICHEVER IS APPROPRIATE.

(4) THE PROVISIONS OF THIS TITLE, OTHER THAN THOSE CONTAINED IN §8-103, IN SELECTING THE GRAND JURY, AND THIS FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVING PARTY, THE COURT SHALL STAY THE PROCEEDINGS PENDING THE SELECTION OF A GRAND JURY IN CONFORMITY WITH THIS TITLE OR DISMISS THE INDICTMENT, WHICHEVER IS APPROPRIATE.

(E) PROCEDURES EXCLUSIVE; POST CONVICTION RELIEF.

THE PROCEDURES PRESCRIBED IN THIS SECTION ARE THE EXCLUSIVE MEANS BY WHICH A PERSON ACCUSED OF A CRIME, THE STATE'S ATTORNEY, OR A PARTY IN A CIVIL CASE MAY CHALLENGE ANY JURY ON THE GROUND THAT THE JURY WAS NOT SELECTED IN CONFORMITY WITH THE PROVISIONS OF THIS TITLE. EXCEPT AS TO CONSTITUTIONAL QUESTIONS, NOTHING CONTAINED IN THIS TITLE CONSTITUTES GROUNDS FOR POST CONVICTION RELIEF UNDER THE PROVISIONS OF ARTICLE 27, §§645A - 645J, OF THE CODE.

REVISOR'S NOTE: This section presently appears as Art. 51, §10 (a), (b), (c), (d), and (e). Subsections (a) and (b) of the present law are combined in the interest of brevity and to avoid duplication. The sections deal with motions by the defendant and State's attorney respectively, and are identical in every respect. In light of this, there is little reason to retain them as separate provisions.