

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

770.12 Appeal by people; right of defendant to bail upon appeal; provisions governing section.

Sec. 12.

(1) Except as provided in subsection (2), the people of this state may take an appeal of right in a criminal case, if the protection against double jeopardy under section 15 of article I of the state constitution of 1963 and amendment V of the constitution of the United States would not bar further proceedings against the defendant, from either of the following:

(a) A final judgment or final order of the circuit court or recorder's court, except a judgment or order of the circuit court or recorder's court on appeal from any other court.

(b) A final judgment or order of a court or tribunal from which appeal of right has been established by law.

(2) The people of this state may take an appeal by leave in a criminal case, if the protection against double jeopardy under section 15 of article I of the state constitution of 1963 and amendment V of the constitution of the United States would not bar further proceedings against the defendant, from any of the following:

(a) A judgment or order of the circuit court or recorder's court that is not a final judgment appealable of right.

(b) A final judgment entered by the circuit court or the recorder's court on appeal from any other court.

(c) Any other judgment or order appealable by law or rule.

(d) A judgment or order when an appeal of right could have been taken but was not timely filed.

(e) A final order or judgment based upon a defendant's plea of guilty or nolo contendere.

(3) The right of the defendant to bail upon appeal under this section shall be governed by section 9a of this chapter and section 7 of chapter V.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17366 ;-- Am. 1941, Act 132, Eff. Jan. 10, 1942 ;-- CL 1948, 770.12 ;-- Am. 1977, Act 34, Eff. Mar. 30, 1978 ;-- Am. 1988, Act 66, Eff. Mar. 30, 1988 ;-- Am. 1994, Act 374, Imd. Eff. Dec. 27, 1994

Compiler's Notes: For provisions of chapter 5, referred to in this section, see MCL 765.7.

Former Law: See section 1 of Act 159 of 1917.