

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

**768.4 Proof of felony at trial for misdemeanor; effect.**

Sec. 4.

If, upon the trial of any person for a misdemeanor, the facts given in evidence amount in law to a felony, he shall not by reason thereof, be entitled to an acquittal of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which the trial shall be had, shall discharge the jury from giving any verdict upon such trial, and shall direct such person to be indicted for felony.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17297 ;-- CL 1948, 768.4

**Former Law:** See section 4 of Act 77 of 1855, being CL 1857, Å§ 6050; CL 1871, Å§ 7919; How., Å§ 9530; CL 1897, Å§ 11915; and CL 1915, Å§ 15742.