

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

**768.33 Offense consisting of different degrees; subsequent trial prohibited.**

Sec. 33.

When a defendant shall be acquitted or convicted upon any indictment for an offense, consisting of different degrees, he shall not thereafter be tried or convicted for a different degree of the same offense; nor shall he be tried or convicted for any attempt to commit the offense charged in the indictment or to commit any degree of such offense.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17326 ;-- CL 1948, 768.33

**Former Law:** See section 17 of Ch. 161 of R.S. 1846, being CL 1857, § 5953; CL 1871, § 7819; How., § 9429; CL 1897, § 11790; and CL 1915, § 15617.