

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

769.14 Review of sentence of prisoner or parolee; application; rights of prisoner.

Sec. 14.

Any person now incarcerated in any state prison, or on parole from a sentence thereto, who was sentenced under the terms of sections 10, 11, 12 or 13 of this chapter as in effect prior to the effective date of Act No. 56 of the Public Acts of 1949, shall be entitled to a review of sentence upon application to the court in which he was sentenced. Upon such application any judge of such court may vacate the previous sentence and impose any lesser sentence which in his judgment might have been imposed under sections 10, 11, 12 or 13 of this chapter, as amended by Act No. 56 of the Public Acts of 1949, had such sections as amended been in force at the date of the previous sentence imposed upon said prisoner: Provided, That any sentence so imposed shall be deemed to have begun as of the date of the previous sentence, and the rights of such prisoner under the laws shall be governed by the lesser sentence as then imposed.

History: Add. 1951, Act 159, Eff. Sept. 28, 1951

Constitutionality: This section violates Const 1963, art V, § 14, which, by implication, forbids the judiciary from commuting a sentence and restricts the legislature from passing a law which infringes upon the exclusive power of the governor to commute a sentence. *People v Freleigh*, 334 Mich 306; 54 NW2d 599 (1952).

Former Law: See section 14 of Chapter IX of Act 175 of 1927; and Act 328 of 1931.