

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

774.34 Appeal to circuit court; practice and procedure.

Sec. 34.

(1) A defendant who is convicted of a misdemeanor or ordinance violation in a municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan municipal court act, 1956 PA 5, MCL 730.523, may appeal to the circuit court for a trial de novo even if the sentence has been suspended or the fine or costs, or both, have been paid.

(2) To appeal by right, the defendant shall file a claim of appeal with the circuit court clerk within 20 days after the entry of judgment. A copy of the claim of appeal shall be filed with the municipal court. All applicable fees required by sections 2529 and 6536 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2529 and 600.6536, shall be paid when filing the claim of appeal. The defendant shall also enter into a recognizance to the people of the state in a sum not less than \$50.00 nor more than \$500.00 within 20 days after the entry of the judgment, conditioned upon the defendant prosecuting the appeal to effect and abiding by the orders and judgment of the court. If the defendant enters into a recognizance, the municipal judge from whose judgment the appeal is taken shall discharge the defendant or order the defendant's discharge, shall make a special return of the proceedings held before the judge, and shall file the complaint, warrant, and the return together with the recognizance with the circuit court.

(3) The practice and procedure for appeals from a municipal court shall be as provided by supreme court rule.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17459 ;-- CL 1948, 774.34 ;-- Am. 1958, Act 32, Eff. Sept. 13, 1958 ;-- Am. 1959, Act 212, Eff. Mar. 19, 1960 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999

Former Law: See section 18 of Ch. 94 of R.S. 1846, being CL 1857, § 3941; CL 1871, § 5542; How., § 7109; CL 1897, § 1036; CL 1915, § 15786; Act 6 of 1848; Act 258 of 1849; Act 154 of 1855; Act 76 of 1861; and Act 23 of 1909.