

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

770.3 Appeal by aggrieved party.

Sec. 3.

(1) Subject to the limitations imposed by section 12 of this chapter and except as provided in section 16, an aggrieved party shall have a right of appeal from a final judgment or trial order as follows:

(a) Except as otherwise provided in subdivision (d), in a felony or misdemeanor case tried in the circuit court, there shall be a right of appeal to the court of appeals.

(b) Except as otherwise provided in subdivision (d), in a misdemeanor or ordinance violation case tried in a municipal court in a city that adopts a resolution of approval under section 23a of the Michigan uniform municipal court act, 1956 PA 5, MCL 730.523a, or tried in the district court, there shall be a right of appeal to the circuit court in the county in which the misdemeanor or ordinance violation was committed.

(c) In a misdemeanor or ordinance violation case tried in a municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan uniform municipal court act, 1956 PA 5, MCL 730.523a, there shall be a right of appeal as provided in chapter XIV.

(d) All appeals from final orders and judgments based upon pleas of guilty or nolo contendere shall be by application for leave to appeal.

(2) An appeal from an interlocutory judgment or order in a felony, misdemeanor, or ordinance violation may be taken, in the manner provided by court rules, by application for leave to appeal to the same court of which a final judgment in that case would be appealable as a matter of right under subsection (1).

(3) After expiration of the period prescribed for timely appeal, the appellate court may grant leave to appeal from any order or judgment from which timely appeal would have been available as of right, or by leave, upon conditions prescribed by court rules.

(4) Further appellate review of matters appealed to the circuit court under subsection (1)(b), (1)(d), or (2) may be had only upon application for leave to appeal granted by the court of appeals.

(5) Further appellate review of matters appealed to the recorder's court under subsection (1)(c) may be had only upon application for leave to appeal granted by the court of appeals.

(6) Further review of any matter appealed to the court of appeals under this section may be had only upon application for leave to appeal granted by the supreme court.

(7) An appeal as of right and an appeal by application for leave to appeal provided for in this section shall be taken pursuant to and within the time prescribed by court rules.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17357 ;-- CL 1948, 770.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1981, Act 205, Eff. Jan. 1, 1982 ;-- Am. 1994, Act 374, Imd. Eff. Dec. 27, 1994 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999 ;-- Am. 2000, Act 402, Imd. Eff. Jan. 8, 2001

Former Law: See sections 1, 6, and 7 of Ch. 138 of R.S. 1846, being CL 1857, §§ 5332, 5337, and 5338; CL 1871, §§ 7119, 7124, and 7125; How., §§ 8678, 8683, and 8684; CL 1897, §§ 10484, 10489, and 10490; and CL 1915, §§ 14587, 14592, and 14593.