

COA Opinion: Circuit court does not have jurisdiction to try a defendant on a misdemeanor charge where the accompanying felony charge is dismissed before trial.

11. June 2010 By Madelaine Lane

On Thursday, June 10, 2010, the Michigan Court of Appeals published its unanimous opinion in the matter of *People v. Reid*, Case No. 286784, holding that a circuit court does not have jurisdiction to try a defendant on a misdemeanor criminal charge, where the original accompanying felony charge was dismissed before trial.

Reid concerned a defendant who was arrested for operating a motor vehicle while intoxicated (“OWI”). A search of the defendant’s vehicle also revealed unlabeled pill bottles containing prescription medication. The defendant was originally charged with felony drug possession and misdemeanor OWI. On the day of trial, however, the prosecutor dismissed the felony drug charge after confirming that the defendant had a valid prescription for the medication. The circuit court tried and convicted the defendant on the remaining misdemeanor charge. He was sentenced to 93 days in jail.

The defendant appealed his conviction arguing that pursuant to MCL § 600.8311(a), district courts have exclusive jurisdiction over misdemeanor matters punishable by one year or less in jail. Despite this general rule, the Court of Appeals noted that three circumstances exist under which the circuit court maintains jurisdiction over misdemeanor offenses: (1) where a defendant has been charged with a felony but is convicted of a lesser included misdemeanor; (2) where a defendant is charged with multiple counts, involving both felony and misdemeanor charges; and (3) where a post-trial action eliminates a felony charge the circuit court retains jurisdiction to sentence the defendant on the remaining misdemeanor.

None of these three circumstances were present in *Reid*. Therefore, once the felony charge was dismissed, the circuit court was required to remand the matter to district court for trial on the remaining misdemeanor charge. Accordingly, the court vacated the defendant’s conviction and remanded the case to the district court for trial. A copy of the court’s order is [here](#).