

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

773.15 Complaint concerning deceased person buried in judicial district; request of prosecuting attorney or medical examiner; examination of complainant who knows or has good reason to believe deceased person came to death by means of poison or violence or in consequence of criminal act; postmortem examination; disinterment.

Sec. 15. (1) Upon presentation to a magistrate of a written request of the prosecuting attorney or the medical examiner and a written complaint under oath stating that a deceased person is buried in the magistrate's judicial district, specifying in what township or city the person is buried, and stating that the complainant knows or has good reason to believe that the deceased person came to his or her death by means of poison or violence, or in consequence of a criminal act, the magistrate shall examine, under oath, the complainant and any witnesses which the complainant produces. The testimony of the complainant and any witnesses shall be recorded by a stenographer or district court recorder.

(2) If the magistrate is satisfied from the examination that there is just cause to believe that the deceased person named or described in the complaint came to his or her death by means of poison or violence, or in consequence of a criminal act, and that a postmortem examination of the body of the deceased person is necessary or will materially aid in the prosecution of a person charged or who may be charged with a criminal act resulting in the death of the deceased person, the magistrate shall issue an order to the sheriff of the county, commanding the sheriff, in the name of the people of the state, to proceed to the place where the body is buried, and to disinter and remove the body to the county morgue or some suitable and convenient place in the county for the purpose of holding a postmortem examination.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17417;—CL 1948, 773.15;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

Former law: See section 1 of Act 57 of 1873, being How., § 9598; CL 1897, § 11833; and CL 1915, § 15660.