

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NICOLAJ DANCZENKO,

Defendant-Appellant.

UNPUBLISHED

February 10, 1998

No. 188404

Oakland Circuit Court

LC No. 94-484797 AP

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals by delayed application for leave granted an order of the Oakland Circuit Court reversing the decision of the parole board to release defendant on parole. We dismiss defendant's appeal.

Defendant argues that the parole board did not abuse its discretion when it initially decided to release him on parole effective July 11, 1994. The prosecutor appends to his appellate brief a document indicating that defendant was released on parole on April 22, 1996 for a two-year period ending April 22, 1998. Because defendant seeks the reinstatement of his parole and because defendant has been paroled during the pendency of the instant appeal, this Court lacks the ability to fashion the requested remedy. Accordingly, defendant's appellate issue is moot. *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995).

Dismissed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski