

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BARRY WAYNE ADAMS,

Defendant-Appellant.

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UNPUBLISHED

March 21, 2006

No. 258750

Calhoun Circuit Court

LC No. 04-001706-FH

Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Defendant was convicted of failing to pay court-ordered child support pursuant to MCL 750.165, and was sentenced to nine months in the county jail. He appeals as of right. We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

Defendant acknowledged that he appeared in the prior divorce action, at the conclusion of which the court entered a judgment of divorce requiring that defendant pay child support. The prosecutor presented evidence at trial establishing that defendant had not complied with this obligation. Sufficient evidence was presented to convict defendant of failing to pay court-ordered child support. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

Defendant asserts that his conviction is improper because before November 3, 1999, leaving the state was a required element of the offense under MCL 750.165. Defendant is correct that leaving the state was an element of the instant offense before that date; however, it was no longer an element after that date. Testimony established that defendant failed to pay any child support from 1997 through 2003, including after November 3, 1999. Thus, defendant's assertion that his conviction was improper lacks merit.

Defendant also asserts that the trial judge summarily denied his request for recusal and then failed to refer the motion to the chief judge in accordance with MCR 2.003(C). However, the lower court file shows that the trial court did refer the matter to the chief judge, who denied defendant's motion because defendant failed to show any basis for disqualification under MCR 2.003(B).

Defendant raises additional assertions of error; however, he does not offer any factual or legal basis for those assertions. For example, defendant raises the question whether the prosecutor can have ex parte communications with the jury during deliberations. However,

defendant does not describe any alleged ex parte communications and the record does not reflect that any such communications took place. Similarly, defendant argues that the testimony of a witness who was ‘admittedly under duress’ was inadmissible. However, defendant does not identify the witness and the record does not reflect that any witness was “admittedly under duress.” Defendant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give issues cursory treatment with little or no citation of supporting authority. *People v Matuszak*, 263 Mich App 42, 59; 687 NW2d 342 (2004). Defendant has abandoned his assertions of error by failing to properly address them. *People v Harris*, 261 Mich App 44, 50; 680 NW2d 17 (2004).

Defendant also raises issues relating to his sentencing. However, because defendant has served his sentence, any alleged errors pertaining to it are moot, because this Court is no longer able to fashion a remedy. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

We affirm.

/s/ Janet T. Neff

/s/ Henry William Saad

/s/ Richard A. Bandstra