

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JERMAINE J. GORDON, a/k/a DERMAINE J.J.
GORDON,

Defendant-Appellant.

UNPUBLISHED

April 11, 2006

No. 259192

Washtenaw Circuit Court

LC No. 03-000244-FH

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right his sentence of 16 months to 8 years' imprisonment imposed pursuant to his jury trial conviction of possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v).¹ We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's arguments pertaining to his 16-month minimum sentence are moot because defendant has fully served that minimum sentence and has been paroled. Defendant was sentenced to 16 months to 8 years' imprisonment, with credit for 54 days served. The sentence commenced on July 29, 2004. According to the records of the Department of Corrections, defendant was paroled on October 4, 2005, shortly after serving his minimum sentence. Accordingly, defendant's arguments pertaining to the length of his minimum sentence are moot. *People v Rutherford*, 208 Mich app 198, 204; 526 NW2d 620 (1994).

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio

¹ The trial court also sentenced defendant to 54 days' imprisonment, with credit for 54 days served, for an additional conviction of possession of marijuana, MCL 333.7403(2)(d). Defendant does not challenge that sentence on appeal.