

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON PAUL EZELL,

Defendant-Appellant.

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UNPUBLISHED

July 26, 2007

No. 268725

Macomb Circuit Court

LC No. 01-000701-FC

Before: Meter, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

Defendant Jason Ezell pleaded no contest to the charge of second-degree child abuse, MCL 750.136(b)(3), on January 8, 2002, and was subsequently sentenced to three years' probation. After a hearing on January 19, 2005, the trial court revoked defendant's probation and sentenced him to two to four years' imprisonment, with 39 days' credit for time served. On February 22, 2006, the trial court issued an amended judgment of sentence, sentencing defendant to 9 to 36 months' imprisonment, with 422 days' credit for time served. Defendant was discharged from prison on March 7, 2007.

On appeal, defendant raises allegations of due process violations, prosecutorial misconduct, and ineffective assistance of counsel. However, defendant has been discharged from prison and is not on probation or parole for the underlying offense. "Where a subsequent event renders it impossible for this Court to fashion a remedy, an issue becomes moot." *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). Because no relief is available, this case is moot.

Dismissed.

/s/ Patrick M. Meter

/s/ Michael J. Talbot

/s/ Donald S. Owens