

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CRAIG STEVEN BLANCHARD,

Defendant-Appellant.

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UNPUBLISHED

May 29, 2008

No. 275776

Bay Circuit Court

LC No. 02-010673-FH

Before: Davis, P.J., and Murray and Beckering, JJ.

MEMORANDUM.

Defendant pleaded guilty to resisting or obstructing a police officer, MCL 750.479b, and domestic violence, MCL 750.81(2), and was sentenced to probation. He was subsequently found guilty of violating his probation and sentenced to concurrent prison terms of 16 to 24 months each. Defendant, proceeding in propria persona, now appeals by delayed leave granted, asserting that the trial court erred by failing to use the sentencing guidelines at his probation violation sentencing, and also engaged in impermissible judicial fact-finding at sentencing, contrary to *People v Uphaus*, 275 Mich App 158, 171; 737 NW2d 519 (2007).<sup>1</sup> We dismiss this appeal as moot. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Although the trial court plainly erred by failing to use the legislative sentencing guidelines when sentencing defendant for his probation violation, *People v Hendrick*, 472 Mich 555, 557; 697 NW2d 511 (2005), appellate relief is not available because defendant has fully served his sentences, rendering his sentencing issues moot. “An issue is moot when an event occurs that renders it impossible for the reviewing court to fashion a remedy to the controversy.” *People v Cathey*, 261 Mich App 506, 510; 681 NW2d 661 (2004). Defendant was sentenced on January 30, 2006, to 16 to 24 months’ imprisonment, with credit for 147 days served. Thus, he would have fully served his minimum terms by January 3, 2007, and his maximum terms by September 5, 2007. The Department of Corrections’ Michigan Offender Tracking Information System website confirms that defendant was discharged from his sentences on September 4,

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<sup>1</sup> We find no merit to defendant’s claim of error predicted on *Uphaus* in light of our Supreme Court’s later decision in *People v Harper*, 479 Mich 599, 603 n 1; 739 NW2d 523 (2007), which overruled *Uphaus*.

2007. Therefore, this Court is unable to fashion a remedy. Accordingly, we dismiss this appeal as moot.

Dismissed as moot.

/s/ Alton T. Davis

/s/ Christopher M. Murray

/s/ Jane M. Beckering