

STATE OF MICHIGAN
COURT OF APPEALS

JESSICA ROBITAILLE,

Petitioner-Appellant,

v

THOMAS ROBITAILLE,

Respondent-Appellee.

UNPUBLISHED

April 15, 2008

No. 274484

Dickinson Circuit Court

LC No. 06-014432-PP

Before: Fort Hood, P.J., and Talbot and Servitto, JJ.

MEMORANDUM.

Petitioner appeals by leave granted from the trial court's order finding petitioner in contempt of court for encouraging respondent to violate a personal protection order (PPO) that protected petitioner from respondent. We dismiss the appeal as moot.

On July 28, 2006, the trial court entered a modified PPO that precluded respondent from contacting petitioner except with regard to the health, education, and welfare of their children. This PPO was set to expire on October 28, 2006. In late September 2006, respondent, acting in propria persona, filed an order to show cause for violating a valid PPO, indicating that petitioner was in violation of the terms of the PPO by contacting him regarding non-child related topics and repeatedly threatening to call the police and allege a violation of the PPO. During the show cause hearing, petitioner testified that she did not send text messages to respondent that dealt with non-child related issues. The trial court then noted that the validity of that testimony was subject to verification, and any untruths would be forwarded to the police and prosecutors. At that time, petitioner changed her testimony to indicate that she had not sent those text messages on *that* particular date. The trial court ultimately held petitioner in contempt of court and ordered a seven-day jail sentence, but suspended the sentence. The court held that "[i]f no further acts of contempt occurred within 6 months, the sentence and finding of contempt shall be purged."

Review of the lower court record reveals no further evidence of contempt on the part of petitioner. It is the duty of the courts to consider and decide actual cases and controversies. *Federated Publications, Inc v Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002). We do not address moot questions or declare principles or rules of law that will have no practical legal effect. *Id.* An issue becomes moot when it is impossible for this Court to fashion a remedy. *In re Contempt of Dudzinski*, 257 Mich App 96, 112; 667 NW2d 68 (2003). In light of the trial

court's order purging the contempt if no additional contemptuous behavior occurred within the next six months and the expiration of that time period, there is no relief that we can grant.

Dismissed as moot.

/s/ Karen M. Fort Hood

/s/ Michael J. Talbot

/s/ Deborah A. Servitto