

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD MICHAEL PIETRYKA,

Defendant-Appellant.

UNPUBLISHED

February 22, 2005

No. 251398

Oscoda Circuit Court

LC No. 02-000742-FH

Before: Fort Hood, P.J., and Griffin and Donofrio, JJ.

MEMORANDUM.

Defendant appeals by leave granted his minimum sentence imposed for his plea-based conviction of larceny in a building, MCL 750.360. The recommended minimum range under the statutory guidelines was zero to seventeen months' incarceration, but the trial judge departed upward, sentencing defendant to a minimum sentence of twenty-four months' imprisonment. We dismiss defendant's appeal as moot.

Defendant was sentenced on October 14, 2002, and, as of this date, has already served his minimum sentence. "[B]ecause defendant has already served his minimum sentence, we decline to review this issue. When 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). See, also, *In re Contempt of Dudzinski*, 257 Mich App 96, 112; 667 NW2d 68 (2003), and *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995).

Dismissed as moot.

/s/ Karen M. Fort Hood
/s/ Richard Allen Griffin
/s/ Pat M. Donofrio