

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LESLIE ANNE LAFRANCE,

Defendant-Appellant.

UNPUBLISHED
February 22, 2005

No. 251705
Macomb Circuit Court
LC No. 01-000427-FH

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

MEMORANDUM.

Defendant appeals by delayed leave granted her three to five year sentence for OUIL, third offense, MCL 257.625(6), entered after she was found guilty of violating probation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the court erred in failing to apply the sentencing guidelines to her sentence entered after the probation violation, and that there was no substantial and compelling reason for departing from the guidelines. In *People v Hendrix*, 261 Mich App 673; 679 NW2d 319 (2004), this Court found that the legislative sentencing guidelines apply to sentences imposed after a probation violation. However, defendant has now served her minimum term, and has been released on parole. There is no relief available, and the case is moot. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Affirmed.

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