

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES A. MERCER,

Defendant-Appellant.

UNPUBLISHED

February 22, 2005

No. 252741

Wayne Circuit Court

LC No. 99-012252-02

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

MEMORANDUM.

Following a jury trial in August 2001, defendant was convicted of the common-law offense of accessory after the fact, MCL 750.505. He was sentenced to a prison term of thirty-eight to ninety months. He appeals as of right, challenging only his sentence, specifically the trial court's scoring of two sentencing guidelines offense variables.

Defendant's arguments are moot because he has already served his minimum sentence. Defendant's sentence commenced on September 17, 2001, and he received credit for 186 days served. Accordingly, he has already completed his minimum sentence. Where, as here, a defendant has already served his minimum sentence, the issue whether the trial court properly scored the offense variables is moot because, even if the scoring was erroneous, it is impossible to fashion a remedy. See *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995); *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