

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ANTHONY BRIDGES,

Defendant-Appellee.

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UNPUBLISHED

March 5, 1999

No. 211395

Wayne Circuit Court

LC No. 97-005162

Before: McDonald, P.J., and Hood and Doctoroff, JJ.

MEMORANDUM.

Plaintiff, the People of the State of Michigan (Wayne County Prosecutor), appeals by leave granted defendant Anthony Bridges' plea-based conviction of, and sentence for, involuntary manslaughter, MCL 750.321; MSA 28.553, and the trial court's denial of its motion to withdraw from the plea agreement. Based on subsequent developments, we dismiss the prosecutor's appeal as moot. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with second-degree murder. The parties reached an agreement whereby defendant would plead guilty to involuntary manslaughter and would be sentenced to a term of five to fifteen years in prison. The trial court accepted the plea.

At sentencing, the trial court followed the recommendation of the probation department and imposed a sentence of five years' probation. The prosecutor moved to withdraw from the plea agreement based on the trial court's refusal to impose the agreed-upon sentence. The trial court denied the motion.

Subsequently, the prosecutor moved to revoke defendant's probation on the ground that defendant had sent threatening letters to the complainant's mother. The trial court revoked defendant's probation and sentenced him to five to fifteen years in prison.

A prosecutor is entitled to withdraw from a plea agreement that includes a sentence agreement when the sentencing court declines to impose the sentence agreed upon by the parties. *People v Jefferson (On Remand)*, 202 Mich App 606, 609-610; 509 NW2d 776 (1993), *aff'd* 450 Mich 500;

537 NW2d 891 (1995). The trial court erred by denying plaintiff's motion to withdraw from the plea agreement when it declined to impose the sentence agreed upon by the parties. However, the trial court's subsequent revocation of the sentence of probation and imposition of the agreed-upon sentence renders plaintiff's appeal moot.

Appeal dismissed.

/s/ Gary R. McDonald

/s/ Harold Hood

/s/ Martin M. Doctoroff