

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD ALLEN LUCAS,

Defendant-Appellant.

UNPUBLISHED

June 4, 1999

No. 214347

Ottawa Circuit Court

LC No. 95-018650 FH

Before: Sawyer, P.J., and Murphy and Talbot, JJ.

MEMORANDUM.

Defendant appeals by right from the order of the circuit court revoking his probation for the underlying offense of assault with intent to commit second-degree criminal sexual conduct, MCL 750.520g(2); MSA 28.788(7)(2), and sentencing him to 1-~~1~~¹/₂ to 5 years in prison. Defendant contends that there was insufficient evidence to sustain the underlying conviction and that the sentence imposed for the probation violation is disproportionate. We affirm.

Pursuant to a motion to dismiss under MCR 7.211(C)(2)(a), defendant's appeal of the underlying conviction was dismissed in a March 5, 1999 order. Because defendant has already served his minimum sentence, we decline to review the issue of proportionality. See *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). "Where a subsequent event renders it impossible for this Court to fashion a remedy, an issue becomes moot." *Id.*

Affirmed.

/s/ David H. Sawyer

/s/ William B. Murphy

/s/ Michael J. Talbot