

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANDREW CHARRON,

Defendant-Appellant.

UNPUBLISHED

December 2, 2021

No. 357602

Oakland Circuit Court

LC No. 2020-274935-FH

Before: GLEICHER, P.J., and K. F. KELLY and RONAYNE KRAUSE, JJ.

PER CURIAM.

Andrew Charron is a developmentally delayed young adult with mental health issues. Represented by an attorney and with the guidance of his mother, who serves as his court-appointed guardian, Charron negotiated a deal with the prosecution under which he pleaded not guilty by reason of insanity to charges of felonious assault and resisting or obstructing an officer. After his initial 60-day commitment to the Center for Forensic Psychiatry (CFP), the Oakland Probate Court ordered Charron’s continued hospitalization. The circuit court denied Charron’s motion to withdraw his plea, in which he claimed that he was assured he would be released after the first 60-day commitment. Charron was released on or before October 25, 2021, and there is now no relief we can grant. We dismiss this appeal as moot.

“Mootness . . . is an issue that courts are obligated to raise on their own throughout the course of the proceedings in order to avoid issuing opinions when there is no longer a controversy between the parties.” *Turunen v Dir of Dep’t of Natural Resources*, ___ Mich App ___, ___; ___ NW2d ___ (2021), slip op at 2. “The question of mootness is a threshold issue that a court must address before it reaches the substantive issues of a case.” *In re Tchakarova*, 328 Mich App 172, 178; 936 NW2d 863 (2019).

We generally do not decide moot issues. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). “An issue is deemed moot when an event occurs that renders it impossible for a reviewing court to grant relief.” *Id.* “A matter is moot if this Court’s ruling cannot for any reason have a practical legal effect on the existing controversy.” *Garrett v Washington*, 314 Mich App 436, 449; 886 NW2d 762 (2016) (cleaned up).

The only relief sought by Charron through the withdrawal of his plea was release from the CFP. Charron has already been released. Accordingly, withdrawing his plea could give him no relief. And there is nothing this Court could order that would have any practical legal effect on the existing controversy; indeed, the controversy has run its course.

This Court will review moot issues if they are “publicly significant, likely to recur, and yet likely to evade judicial review.” *Barrow v Detroit Election Comm*, 305 Mich App 649, 660; 854 NW2d 489 (2014) (cleaned up). While the current issue was certainly significant to Charron and his family, it is not significant to the public in general. Moreover, it is not likely to recur. MCR 6.304(B) is clear that a plea of not guilty by reason of insanity “will result in the defendant’s commitment for diagnostic examination at [CFP] for up to 60 days, and that after the examination, the probate court may order the defendant to be committed *for an indefinite period of time.*” (Emphasis added.) It is unlikely that many criminal defendants or their attorneys will be confused by this provision and seek relief after an extension of the initial commitment period. We therefore discern no ground to consider this moot issue on appeal.

We dismiss this appeal as moot.

/s/ Elizabeth L. Gleicher

/s/ Kirsten Frank Kelly

/s/ Amy Ronayne Krause