

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

UNPUBLISHED
April 24, 2012

V
JEREMY DEAN WILLIAMS,

No. 303482
Kalamazoo Circuit Court
LC No. 2008-000609-FH

Defendant-Appellant.

Before: BECKERING, P.J., and OWENS and RONAYNE KRAUSE, JJ.

PER CURIAM.

Defendant, Jeremy Dean Williams, appeals as of right the trial court's March 16, 2011 order revoking his probation for two probation violations. Defendant was sentenced to 60 days' imprisonment for each violation. We affirm.

Defendant's argument is predicated on a claim that the two terms of probation he violated, 9.82 and 1.5, violated his Fifth Amendment right against self-incrimination and should have been deleted. Specifically, defendant contends he should not have been required to fill out a sexual history questionnaire or sit for a polygraph examination as part of his treatment. Defendant appeals his sentence and claims the terms were improper and, therefore, the trial court should not have found that defendant violated his probation for failing to comply with those terms. Defendant also claims that the trial court did not have authority to grant him immunity in order to facilitate defendant's participation in treatment.

Defendant was sentenced to 60 days' imprisonment on March 16, 2011. Defendant was not sentenced to probation as part of this sentence. Therefore, defendant is no longer incarcerated for his probation violations and is no longer subject to the terms of probation he challenges on appeal. Consequently, we find that the issues raised by defendant on appeal are moot and we decline to further address them. "Whether a case is moot is a threshold issue that a court addresses before it reaches the substantive issues of the case itself." *People v Richmond*, 486 Mich 29, 35; 782 NW2d 187 (2010), amended 486 Mich 1041 (2010). "An issue is moot when an event occurs that renders it impossible for the reviewing court to fashion a remedy to the controversy." *People v Cathey*, 261 Mich App 506, 510; 681 NW2d 661 (2004). While an issue is not "moot if it will continue to affect a party in some collateral way," *Cathey*, 261 Mich App at 510, we have previously ruled that where a "defendant is no longer subject to the challenged condition of his probation," the issue is moot. *People v Anderson*, 284 Mich App 11,

17; 772 NW2d 792 (2009); see also *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994) (finding a challenge to a sentence is moot where the minimum sentence had already been served). A probation violation is “not a new conviction” nor is it a crime. *People v Kaczmarek*, 464 Mich 478, 482; 628 NW2d 484 (2001). “It is well established that a court will not decide moot issues.” *Richmond*, 486 Mich at 34. We generally do not “reach moot questions or declare principles or rules of law that have no practical legal effect in the case” before us. *Id.* (quotation omitted). We find defendant’s appeal does not request any relief that will have a practical legal effect in his case. We find that no exception to the mootness doctrine applies and we are without the “power to decide” a “purely moot question.” *Id.* at 36 (quotation omitted).

Affirmed.

/s/ Jane M. Beckering
/s/ Donald S. Owens
/s/ Amy Ronayne Krause