

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

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ROGER SMOKEY JOHNSON,

Plaintiff-Appellee,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellant.

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UNPUBLISHED

March 6, 1998

No. 201471

Ingham Circuit Court

LC No. 96-084841-AW

Before: McDonald, P.J., and Sawyer and Hoekstra, JJ.

MEMORANDUM.

Plaintiff was previously convicted of second-degree murder and sentenced to life in prison. In 1996, he filed a complaint and application for a writ of mandamus in Ingham Circuit Court seeking a writ directing defendant to hold a public hearing regarding plaintiff's parole and, in the event parole was denied, to explain the denial in writing. The circuit court directed defendant to interview plaintiff for parole consideration and, if it chose not to proceed with a public hearing, to provide written reasons for that decision. Defendant appeals and we dismiss as moot.

Subsequent to the circuit court proceedings in this case, defendant provided plaintiff with the reasons for denying him parole, and an appeal is now pending regarding that denial. Accordingly, the issue before us is now moot. While this case presents an interesting issue, resolution of that issue must await a case in which it is properly before this Court.

Dismissed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Joel P. Hoekstra