

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANGEL CRESPO,

Defendant-Appellant.

UNPUBLISHED

May 19, 1998

No. 192119

Berrien Circuit Court

LC No. 94-002975 FH

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

Defendant pleaded guilty to possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(1) and (2)(a)(iv); MSA 14.15(7401)(1) and (2)(a)(iv), and was sentenced to three to twenty years' imprisonment. Defendant appeals as of right. This case is being decided without oral argument pursuant to MCR 7.214(E).

We dismiss defendant's appeal as moot. Assuming without deciding that defendant's scoring challenge to Offense Variable 8 is meritorious, *People v Mitchell*, 454 Mich 145, 177; 560 NW2d 600 (1997), we are unable to fashion a remedy because defendant has fully served his minimum sentence. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994); *People v Greenberg*, 176 Mich App 296, 302-303; 439 NW2d 336 (1989).

Dismissed.

/s/ Richard A. Bandstra

/s/ Barbara B. MacKenzie

/s/ Nick O. Holowka

* Circuit judge, sitting on the Court of Appeals by assignment.