

STATE OF MICHIGAN
COURT OF APPEALS

BERTHA BUTLER,

Plaintiff-Appellee,

v

DOUGLAS FREDERICK,

Defendant-Appellant.

UNPUBLISHED

June 15, 2004

No. 245651

Oakland Circuit Court

LC No. 02-667220-PP

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

In this appeal as of right, defendant asks this Court to vacate a personal protection order (PPO) entered against him as well as subsequent orders denying his requests to vacate the PPO. We dismiss this appeal as moot because the PPO at issue has expired. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

While this case was pending on appeal, the PPO at issue expired by its express terms on July 10, 2003. This appeal is therefore moot because a decision at this point to vacate the PPO would have “no practical legal effect.” *Federated Publications, Inc v Lansing*, 467 Mich 98, 112-113; 649 NW2d 383 (2002) (declining to reach issue regarding release of records as moot because those records had already been publicly released so a decision of the Court regarding the matter “would have no practical legal effect”). In an analogous context, this Court has found a party’s challenge to the proportionality of his jail sentence for criminal contempt of court to be moot when the party has already served the sentence, i.e., an issue becomes moot when a subsequent event renders it impossible for this Court to fashion a remedy. *In re Contempt of Dudzinski*, 257 Mich App 96, 112; 667 NW2d 68 (2003). Just as we are unable to undo a jail sentence that has been completed, we cannot undo restrictions placed on defendant’s activities in the past by a PPO that has now expired.

We recognize that a court may reach a moot issue if it is “one of public significance that is likely to recur, yet evade judicial review.” *Federated Publications, supra*, 467 Mich at 112. However, this is not an appropriate case for application of that principle. Defendant’s issues are based on the specific facts of this case rather than involving issues of public significance. Moreover, issues regarding the validity of PPOs do not seem likely to evade judicial review because they are apt to occur in contexts in which they will not be moot, e.g., if a defendant is ordered to pay a fine for violating a PPO or if a defendant is challenging a PPO order that is still in effect when the appeal is heard.

Appeal dismissed as moot.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray