

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSHUA WILLIS,

Defendant-Appellant.

---

UNPUBLISHED

December 22, 2009

No. 289450

Wayne Circuit Court

LC No. 06-014258-FH

Before: Murphy, C.J., and Jansen and Zahra, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of felonious assault, MCL 750.82, and possession of a firearm during the commission of a felony, MCL 750.227b, and he was sentenced to consecutive prison terms of six months to four years and two years, respectively. In *People v Joshua Willis*, unpublished opinion per curiam of the Court of Appeals, issued June 3, 2008 (Docket No. 277653), this Court remanded for resentencing because the upper limit of the applicable sentencing guidelines range for felonious assault was under 18 months, and the trial court failed to state on the record a substantial and compelling reason for not imposing an intermediate sanction. On remand, defendant was resentenced to 18 months' probation for felonious assault and to two years' imprisonment for felony-firearm. Originally, the sentencing court made these sentences consecutive. However, the probation officer subsequently moved for discharge from probation because defendant was entitled to have the sentences run concurrently. *People v Brown*, 220 Mich App 680, 683-685; 560 NW2d 80 (1996). An order discharging defendant from probation was entered on October 17, 2008. The Offender Tracking Information System indicates that defendant was discharged from prison on December 4, 2008.

On appeal, defendant argues that the trial court erred in imposing a consecutive sentence. Because this error was corrected by the order discharging defendant from probation, and because defendant has now fully served his prison sentence, he has received the relief he requested and any sentencing issue is moot. *People v Billings*, 283 Mich App 538, 548; 770 NW2d 893 (2009).

Dismissed as moot.

/s/ William B. Murphy

/s/ Kathleen Jansen

/s/ Brian K. Zahra