

STATE OF MICHIGAN
COURT OF APPEALS

ASHLEY WORKMAN,

Petitioner-Appellee,

v

AARON BRENT,

Respondent-Appellant.

UNPUBLISHED

April 20, 2017

No. 330325

Wayne Circuit Court

LC No. 15-112517-PP

Before: FORT HOOD, P.J., and JANSEN and HOEKSTRA, JJ.

PER CURIAM.

Respondent Aaron Brent appeals as of right an order denying his motion to terminate a personal protection order (PPO) issued against him at the request of his former-girlfriend, petitioner Ashley Workman. Specifically, petitioner requested an ex parte PPO on October 23, 2015, and the trial court signed the order into effect on the same day. Respondent filed a motion in the trial court to terminate the PPO. However, following a hearing, the trial court denied respondent's request to terminate the PPO and ordered that it would continue in effect until the expiration date on the PPO. By its plain terms, the PPO was scheduled to remain in effect until October 23, 2016. Given that the PPO is now expired, we dismiss respondent's appeal as moot.

In general, this Court will not decide moot issues. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). "An issue is moot if an event has occurred that renders it impossible for the court to grant relief." *Gen Motors Corp v Dep't of Treasury*, 290 Mich App 355, 386; 803 NW2d 698 (2010). "An issue is also moot when a judgment, if entered, cannot for any reason have a practical legal effect on the existing controversy." *Id.* In other words, "[a] case is moot when it presents only abstract questions of law that do not rest upon existing facts or rights." *B P 7*, 231 Mich App at 359. "However, a question is not moot if it will continue to affect a party in some collateral way." *People v Cathey*, 261 Mich App 506, 510; 681 NW2d 661 (2004). See, e.g., *Hayford v Hayford*, 279 Mich App 324, 325; 760 NW2d 503 (2008).

In this case, respondent raises a variety of challenges to the PPO, including arguments relating to the issuance of the PPO, the scope and effect of the PPO, and the trial court's refusal to terminate the PPO. However, under the plain terms of the PPO, it expired on October 23, 2016. There is nothing in the lower court record to indicate that the PPO was extended beyond this date, and respondent does not suggest on appeal that the PPO has been extended. See MCR

3.707(B). Given the expiration of the PPO, respondent's various challenges to the PPO are moot because our decision on issues relating to the expired PPO in question can have no practical effect on an existing controversy. See *Gen Motors Corp*, 290 Mich App at 386.

In contrast, respondent contends that his appeal should not be deemed moot because he will face collateral consequences if we do not consider his challenges to the now-expired PPO. In particular, respondent contends that, even after the expiration of the PPO, he will still be listed on the Law Enforcement Information Network (LEIN), which could affect unnamed "job opportunities" as well as unspecified "child custody, visitation, parentage, and child support issues." Respondent also asserts that his Second Amendment right to bear arms is not "automatically reinstated" after the PPO expires. However, respondent's arguments in this regard are speculative and unsupported. That is, respondent offers only generalized conjectures about possible future harm, without providing citation to supporting legal authority or evidence in the lower court record to establish that the listing of an expired PPO on LEIN will have any effect on his unidentified job opportunities, his undefined child custody issues, or his right to bear arms.¹ Without additional factual information about his job or child custody issues, and in the absence of supporting legal authority for any of his identified consequences, respondent's claims of collateral consequences are simply unsubstantiated. It is not our role to search for law or evidence to support respondent's position, *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959); *Cathey*, 261 Mich App at 510; and we decline to search for support for respondent's assertion that he has suffered, and will suffer, ongoing collateral consequences following the expiration of the PPO. Because respondent has failed to adequately demonstrate the existence of collateral consequences following the expiration of the PPO, his claims are moot.

Dismissed as moot.

/s/ Karen M. Fort Hood
/s/ Kathleen Jansen
/s/ Joel P. Hoekstra

¹ As a comparison, in *Hayford*, 279 Mich App at 325, this Court concluded that a respondent's challenges to a terminated PPO were not moot because the respondent made his living working with firearms and he had identified federal firearm licenses jeopardized by the PPO. In other words, the respondent in *Hayford* made a showing that he would suffer particular collateral consequences from the PPO. In contrast, in this case, respondent has failed to offer any details of his job opportunities, child custody issues, or other concerns that would support the assertion that the expired PPO will have collateral consequences for respondent. The present case is thus distinguishable from *Hayford*.