If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED September 09, 2026 1:13 PM
v	No. 374834 Wayne Circuit Court
TODD BENNETT SQUIRES, Defendant-Appellant.	LC No. 21-000139-01-FH

Before: M. J. KELLY, P.J., and O'BRIEN and LIEVENSE, JJ.

PER CURIAM.

Following a March 2022 bench trial, defendant, Todd Squires, was convicted of operating a motor vehicle while intoxicated, third offense (OWI-3), MCL 257.625(1); operating a motor vehicle without a valid license, second offense, MCL 257.904(1); and failure to stop after a collision, MCL 257.620. On April 18, 2022, he was sentenced as a fourth-offense habitual offender, MCL 769.12. Squires appealed his conviction in this Court. While that appeal was pending, he moved the trial court to "correct an invalid sentence." The trial court partially granted his motion and resentenced him as a third-offense habitual offender, MCL 769.11, to 44 months to 10 years' incarceration for the OWI-III conviction and to time served for the remaining convictions. Thereafter, this Court affirmed Squires' conviction.[1] Approximately one year later, Squires moved in the trial court for resentencing. The trial court denied that motion on March 14, 2024. Then on December 22, 2024, the trial court entered a stipulated order restoring Squires' appellate rights under MCR 6.428. This appeal of the trial court's order resentencing Squires follows. For the reasons stated in this opinion, we affirm.

Squires argues that he is entitled to resentencing because, during his May 2023 resentencing hearing, the court (1) sentenced him without first obtaining an updated presentence investigative report (PSIR), (2) imposed a minimum sentence that exceeded the guidelines range

[1] *People v Squires*, unpublished per curiam opinion of the Court of Appeals, issued December 14, 2023 (Docket No. 361755).

without explaining its reasons, (3) scored offense variable (OV) 16 incorrectly, and (4) sentenced him as a habitual offender even though the habitual-offender notice was untimely. We disagree.

As an initial matter, Squires was released on parole on November 4, 2025. Because he has already served his minimum sentence, his arguments relating to the court's scoring of OV 16 and to the court's decision to impose a departure sentence are moot. See *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994) (holding that a challenge to a defendant's sentence are moot if the "defendant has already served his [or her] minimum sentence."). See also *People v Tombs*, 260 Mich App 201, 220; 679 NW2d 77 (2003) (holding that a challenge to the scoring of an OV was moot because the defendant had already served his minimum sentence so the court was "unable to provide a remedy for the alleged error.").

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). As a result, we address Squires' argument that resentencing is required because the trial court sentenced him before receiving an updated PSIR.

A presentence report must be prepared before sentencing in felony cases. MCL 771.14(1); MCR 6.425(A)(1). Additionally, "a trial court should not resentence a defendant without the benefit of a reasonably updated presentence report." *People v Odom*, 327 Mich App 297, 313; 933 NW2d 719 (2019) (quotation marks and citation omitted). Yet, "it is not particularly important how the information gets before the trial court," so long as "the trial court [has] the relevant information available for sentencing." *Id*. Here, although the PSIR was not updated for resentencing, the trial court was made aware via Squires' allocution of the positive updates to Squires' circumstances that occurred between his original sentencing date and his resentencing date. As such, the relevant information was available for resentencing. Reversal is, therefore, not warranted on this basis because the information that would have been included in an updated PSIR was orally conveyed to the court before resentencing. See *People v McAllister*, 241 Mich App 466, 473; 616 NW2d 203 (2000) (holding that "when the alleged inaccuracies would have no determinative effect on the sentence, the court's failure to respond may be considered harmless error.").

Finally, we address Squires' claim that he did not receive a timely habitual-offender notice. Although this issue is mentioned in the statement of question presented and in a heading in the body of his brief, Squires has not advanced any argument in his brief or presented any authority in support of it. "The failure to brief the merits of an allegation of error constitutes an abandonment of the issue." *People v McPherson*, 263 Mich App 124, 136; 687 NW2d 370 (2004). Consequently, we conclude that this issue has been abandoned on appeal.

Affirmed.

/s/ Michael J. Kelly
/s/ Colleen A. O'Brien
/s/ Andrew J. Lievense