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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID OCTAVIANO SILVA III,

Defendant-Appellant.

UNPUBLISHED
September 28, 2026
10:51 AM

No. 375314
Ingham Circuit Court
LC No. 21-000098-FH

Before: MARIANI, P.J., and FEENEY and TREBILCOCK, JJ.

PER CURIAM.

Defendant pleaded no contest to one count of second-degree criminal sexual conduct (CSC II), MCL 750.520c(1)(a); MCL 750.520c(2)(b) (sexual contact; victim under 13 years old, defendant over 17 years old). He was sentenced to 365 days in jail and five years' probation, the conditions of which included restrictions on contact with his two minor children. Defendant appeals by leave granted,[1] challenging the terms of his probation. We dismiss this appeal as moot.

"Whether a case is moot is a threshold issue that a court addresses before it reaches the substantive issues of the case itself." *People v Richmond*, 486 Mich 29, 35; 782 NW2d 187 (2010), amended on another issue 784 NW2d 204 (Mich 2010). "Mootness occurs when an event has occurred that renders it impossible for the court to grant relief." *People v Wills*, ___ Mich App ___, ___; ___ NW3d ___ (Docket No. 378071); slip op at 5 (quotation marks and citation omitted). Accordingly, an issue is moot if "any judgment on the matter would lack practical legal effect," *People v Smith*, 502 Mich 624, 631; 918 NW2d 718 (2018), or it is "impossible for the reviewing court to fashion a remedy to the controversy," *People v Thue*, 336 Mich App 35, 39; 969 NW2d 346 (2021) (quotation marks and citation omitted). This Court will generally not decide moot issues unless the "issue is one of public significance that is likely to recur, yet evade judicial review . . . ." *Id*. (quotation marks and citation omitted).

[1] *People v Silva*, unpublished order of the Court of Appeals, entered May 28, 2025 (Docket No. 375314).

In this case, defendant challenges his probation condition restricting contact with his children; however, defendant acknowledges that contact with his children was subsequently restored and that there is no practical relief that we could offer him at this time. Because defendant is no longer subject to the challenged condition of his probation, this issue is moot. See also *People v Anderson*, 284 Mich App 11, 17; 772 NW2d 792 (2009) (deeming moot the defendant's challenge to a probation condition that he was no longer subject to). Therefore, we dismiss this appeal as moot.

/s/ Philip P. Mariani
/s/ Kathleen A. Feeney
/s/ Christopher M. Trebilcock