

COA Opinion: Court cannot revoke probation after probation period has expired

15. May 2010 By Nicole Mazzocco

On May 13, 2010, the Michigan Court of Appeals issued its published opinion in *People v. Glass*, No. 290278. The trial court found the defendant guilty of violating the terms of his probation and imposed a prison sentence, after the defendant's probation period had expired. The defendant argued that the trial court had no jurisdiction to do so. The Court of Appeals agreed. MCL § 771.4 states, "If *during the probation period* the sentencing court determines that the probationer is likely again to engage in an offensive or criminal course of conduct or that the public good requires revocation of probation, the court may revoke probation." MCL § 771.4 (emphasis added). The Court held that this language meant that the trial court could only revoke probation during the probation period. Accordingly, the Court vacated the defendant's prison sentence and remanded the case so that the trial court could discharge the defendant from his probationary sentence.