

Court of Appeals, State of Michigan

ORDER

People of MI v Raymond Joseph-Lee Hulben

Docket No. 301198

LC No. 09-010155-FH

Donald S. Owens
Presiding Judge

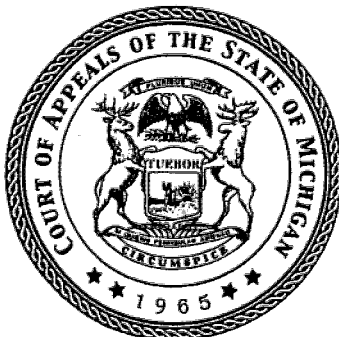
Stephen L. Borrello

Michael J. Kelly
Judges

The Court orders that the delayed application for leave to appeal is DENIED.

Defendant's facial challenge to the constitutionality of the student safety zone restrictions in the Sex Offenders Registration Act, MCL 28.721 *et seq.*, does not merit review. Statutes are presumed to be constitutional, and it is not "readily apparent" that the student safety zone law is unconstitutional on its face. *People v Malone*, 287 Mich App 648, 658 (2010); *People v Hill*, 269 Mich App 505, 525 (2006).

Further, defendant's as-applied challenge is not ripe for review. Defendant does not allege facts to suggest even an incidental infringement of his constitutional rights by his mandated compliance with the student safety zone law. The fact that defendant is subject to the restrictions of the student safety zone law as a condition of his probation, without some showing of an actual or imminent injury, is insufficient to create a case or controversy that is ripe for review. See *People v Jackson*, 483 Mich 271, 297-298 (2009). See also *Michigan Chiropractic Council v Comm'r of the Office of Financial & Ins Services*, 475 Mich 363, 371 n 14 (2006) ("Ripeness prevents the adjudication of hypothetical or contingent claims before an actual injury has been sustained. A claim is not ripe if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all."). For these reasons, and the reasons articulated by the trial court, this case does not merit review at this time.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 24 2011

Date

Sandra Schultz Mengel
Chief Clerk