

# Court of Appeals, State of Michigan

## ORDER

People of MI v Ray Valdez Jr

Docket No. 343856

LC No. 17-005165-FC

Jane M. Beckering  
Presiding Judge

Jane E. Markey

Mark T. Boonstra  
Judges

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Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES the April 13, 2018 order amending the terms of defendant's order of probation. The Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, prohibits any individual who is required to be registered under the SORA from working, loitering, or residing within a student safety zone. MCL 28.734(1)(a), (b); MCL 28.735(1). "Courts are bound to follow statutes and must apply them as written." *Gleason v Kincaid*, 323 Mich App 308, 317; 917 NW2d 685 (2018). The trial court did not apply MCL 28.734(1)(a) as written when it amended the terms of defendant's order of probation. The amendment, because it allowed defendant to work at CARSTAR Collision, which is located within a student safety zone, is contrary to the restriction in MCL 28.734(1)(a). Because there is no caselaw that is binding on this Court or on the trial court that has declared the student safety zone restrictions unconstitutional, and because the trial court made no determination whether the restrictions were unconstitutional, the trial court abused its discretion when it amended the terms of the order of probation to allow defendant to work at CARSTAR Collision. *People v Mineau*, 306 Mich App 325, 329; 855 NW2d 755 (2014).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 14 2018

Date

  
Chief Clerk