

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,  
  
Plaintiff-Appellee,

UNPUBLISHED  
June 19, 2012

v

KURT MICHAEL FULTON,  
  
Defendant-Appellant.

No. 303921  
Saginaw Circuit Court  
LC No. 07-029934-FH

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Before: BECKERING, P.J., and FITZGERALD and STEPHENS, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted from that portion of his probation violation sentence requiring him to register as a sex offender under the Sex Offender Registration Act (SORA), MCL 28.721 *et seq.* The prosecutor concedes that the trial court erred by ordering defendant to register as a sex offender because defendant was not convicted of a “listed offense” under the SORA, MCL 28.722(e), and because the offense does not fall within a catchall provision of the SORA, MCL 28.722(e)(x) – (xii).<sup>1</sup> Accordingly, we vacate that portion of defendant’s sentence requiring registration as a sex offender and remand this case to the trial court for entry of an amended judgment of sentence. Jurisdiction is not retained.

/s/ Jane M. Beckering  
/s/ E. Thomas Fitzgerald  
/s/ Cynthia Diane Stephens

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<sup>1</sup> Various portions of the SORA were amended by 2011 PA 17, effective July 1, 2011. The trial court decided the relevant issues in this case before July 1, 2011. Thus, the provisions in effect at the time this case was decided are applicable and are cited herein. *People v Lee*, 489 Mich 289, 292 n 1; 803 NW2d 165 (2011).