

COA Opinion: Defendant charged with CSC IV has no statutory right to petition for removal from sex offender registry

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In *in re Mustaf Sulijman* the Court of Appeals held that since defendant was charged with CSC IV he had no right to petition for removal from the sex offender registry. In 1999, when defendant Sulijman was 13, he entered a plea of admission to one misdemeanor count of fourth degree criminal sexual conduct (CSC IV). After defendant successfully completed probation, he trial court terminated its jurisdiction over defendant in 2000. In 2008 defendant filed a petition to have his name removed from the sex offender registry. The trial court denied his petition as untimely, reasoning that under MCL 28.728c(4) defendant had to file his petition before October 1, 2007 or within three years from discharge from court jurisdiction.

On appeal defendant argues that section 8c(4) is unconstitutional because the statute failed to provide that offenders be notified of the statutory time limits. The Court of Appeals did not address the constitutional issue and instead found that MCL 28.728c(15) plainly limits the eligibility to petition for removal to individuals charged with CSC I, II, or III. The Court concluded defendant had no right to petition under the statute since he was charged with CSC IV.