

STATE OF MICHIGAN
COURT OF APPEALS

LAWRENCE JASINA,

Petitioner-Appellant,

v

STANLEY ALLAN JASINA, JR.,

Respondent-Appellee.

UNPUBLISHED

June 12, 2008

No. 276583

Macomb Circuit Court

LC No. 2006-007506-PP

Before: O’Connell, P.J., and Borrello and Gleicher, JJ.

MEMORANDUM.

Petitioner appeals as of right from an order denying his request for a personal protection order (“PPO”) against respondent, his brother. We affirm, and decide this appeal without oral argument under MCR 7.214(E).

Pursuant to MCL 600.2950(1)(c) and (j), a court may issue a PPO to restrain a person from “[t]hreatening to kill or physically injure a named individual,” or from engaging in “[a]ny other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.” Subsection 2950(4) mandates that the court must issue a PPO if it finds “reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1).” The court must consider all “[t]estimony, documents, or other evidence offered in support of the request for a personal protection order,” subsection 2950(4)(a), as well the existence of any previous acts or threats. Subsection 2950(4)(b). We review the ultimate denial of a PPO for an abuse of discretion. *Pickering v Pickering*, 253 Mich App 694, 700-701; 659 NW2d 649 (2002).

Petitioner asserts that the trial court failed to consider all the evidence before it denied the PPO. The record establishes, however, that petitioner advised the court that respondent had made a threatening telephone call, which was recorded. Petitioner claimed that during the recorded call, respondent threatened to punch him in the head if he visited respondent, and that respondent requested that petitioner not visit or speak to him again. Petitioner does not identify on appeal any other evidence the court should have considered. Notably, the alleged transcript of the telephone call attached to the petition did not set forth any additional pertinent facts, and petitioner has identified no other telephone calls or threatening acts by respondent. Moreover, even accepting petitioner’s description of the telephone call by respondent, this evidence established that petitioner was under no threat of violence if he simply stayed away from

respondent. We conclude that the trial court did not abuse its discretion in determining that the facts did not support the issuance a PPO. *Pickering, supra* at 700-701.

Affirmed.

/s/ Peter D. O'Connell
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher