

STATE OF MICHIGAN
COURT OF APPEALS

MELODIE AYCOX,

Petitioner-Appellant,

v

TOMIKA RICHARDS,

Respondent-Appellee.

UNPUBLISHED
November 4, 2008

No. 280207
Wayne Circuit Court
LC No. 07-718865-PH

MELODIE AYCOX,

Petitioner-Appellant,

v

CLAUDETTE EVANS,

Respondent-Appellee.

No. 280401
Wayne Circuit Court
LC No. 07-720323-PH

Before: Servitto, P.J., and Donofrio and Fort Hood, JJ.

PER CURIAM.

In these consolidated cases, petitioner appeals as of right from two circuit court orders, one terminating a personal protection order (PPO) issued against respondent Tomika Richards (Docket No. 280207), and one denying a PPO against respondent Claudette Evans (Docket No. 280401). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

A trial court's decision to issue or continue a PPO is reviewed for an abuse of discretion. *Pickering v Pickering*, 253 Mich App 694, 700; 659 NW2d 649 (2002). "An abuse of discretion occurs when the decision results in an outcome falling outside the principled range of outcomes." *Woodard v Custer*, 476 Mich 545, 557; 719 NW2d 842 (2006). The petitioner bears the burden of proving reasonable cause for issuance of a PPO and of justifying the continuance of the order at a hearing on respondent's motion to terminate the PPO. *Hayford v Hayford*, 279 Mich App 324; ___ NW2d ___ (2008).

Many of petitioner's claims of error are predicated on the trial court's alleged inability to decide the cases impartially due to personal bias toward petitioner. These issues have not been preserved for appeal because petitioner did not move to disqualify the judge for personal bias under MCR 2.003(B)(1). *People v Mixon*, 170 Mich App 508, 514; 429 NW2d 197 (1988), rev'd in part on other grounds 433 Mich 852 (1989). Further, the record does not factually support petitioner's claims. Nothing in the record supports petitioner's claims that the trial court discriminated against her because of her class, race, or alleged disability, or that the court's rulings were the result of general corruption "with an ulterior [sic] motive," the nature of which has not been disclosed. Although the record does indicate that the trial court was made aware of petitioner's prior criminal conviction, there is no indication that the court's rulings were based on that conviction. Further, nothing in the record suggests that the court was aware of petitioner's employment status, much less that it took that status into account in issuing its rulings.

Most of petitioner's remaining claims of error are difficult to understand, insufficiently briefed, or lack citation to relevant authority. An issue may be deemed abandoned where a party fails to brief the merits of an issue or support her position with citation to relevant authority. *Dep't of Transportation v Initial Transport, Inc*, 276 Mich App 318, 334; 740 NW2d 720 (2007), rev'd in part on other grounds 481 Mich 862 (2008); *Coble v Green*, 271 Mich App 382, 391; 722 NW2d 898 (2006). Additionally, a party cannot "announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Nevertheless, we have attempted to consider petitioner's remaining issues to the extent possible, and find no basis for relief.

Petitioner argues that the trial court erroneously stated that a PPO is not available to resolve disputes among neighbors. We disagree. The court only stated that PPOs are not "normally" issued in neighbor disputes. The court then went on to consider petitioner's allegations and concluded that they did not establish a basis for a PPO. Because petitioner and respondents do not have any type of familial relationship, petitioner could obtain a PPO if she alleged facts showing that respondents engaged in conduct that constitutes stalking as defined by MCL 750.411h or MCL 750.411i. MCL 600.2950a(1). Petitioner does not explain how the allegations in either petition were sufficient to warrant a finding that either respondent engaged in stalking and, therefore, has not shown that the trial court's decision to terminate the PPO against Richards, or to deny a PPO against Evans constituted an abuse of discretion.

Petitioner's arguments concerning a separate civil action filed by respondent Claudette Evans, or a separate PPO issued against Joy Evans, cannot be considered here, because those cases are not part of this appeal. Further, respondent does not sufficiently explain how her mental health issues or her mental health treatment ordered as a condition of probation in her prior criminal case are relevant to these PPO cases or this appeal.

Petitioner also asserts that the trial court improperly excluded evidence, but does not provide any citations to the record showing that she offered admissible evidence that the court refused to consider, or even identify what evidence she sought to admit. Given of the absence of an offer of proof on the record, see MRE 103(a)(2), or further elucidation of petitioner's claims, appellate relief is not warranted. *Mitcham, supra, Dep't of Transportation, supra*. To the extent that petitioner's claim relates to the myriad documents appended to her brief, the issue is deemed

abandoned because petitioner has not briefed the merits of her claim that the various documents were admissible. *People v Harris*, 261 Mich App 44, 50; 680 NW2d 17 (2004).

Petitioner also takes exception to the trial court's admonishment that she would need to document future alleged violations of the PPO with photographs or video recordings. However, the only PPO extant is that issued against Joy Evans, and, as noted previously, that case is not part of this appeal.

Petitioner also argues that the court reporter improperly altered the transcript of the PPO hearing. Trial transcripts are presumed to be accurate. *People v Abdella*, 200 Mich App 473, 475; 505 NW2d 18 (1993).

[I]n order to overcome the presumption of accuracy and be entitled to relief, a petitioner must satisfy the following requirements: (1) seasonably seek relief; (2) assert with specificity the alleged inaccuracy; (3) provide some independent corroboration of the asserted inaccuracy; (4) describe how the claimed inaccuracy in transcription has adversely affected the ability to secure [appellate] relief pursuant to subchapters 7.200 and 7.300 of our court rules. [*Id.* at 476 (footnotes omitted).]

Petitioner has not overcome the presumption of accuracy. She contends there are at least four or five alterations, but has only identified one. She asserts that although the transcript shows that the trial court asked respondent Richards, "Ma'am, what do you do for a living?", the court actually asked, "You work?" Petitioner has not provided any independent corroboration regarding the alleged alterations or explained how any of them affect her ability to obtain appellate review of the lower court proceedings.

Petitioner's remaining claims of error are deemed abandoned because of insufficient briefing or failure to cite relevant authority. *Dep't of Transportation and Coble, supra*.

Affirmed.

/s/ Deborah A. Servitto
/s/ Pat M. Donofrio
/s/ Karen M. Fort Hood