

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

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STEVEN Z. COHEN,

Plaintiff-Appellee,

v

DAVID NERENBERG,

Defendant-Appellant.

UNPUBLISHED

June 8, 2010

No. 290569

Oakland Circuit Court

LC No. 1995-502501-PH

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LEAH DICKMAN ROSENBAUM,

Plaintiff-Appellee,

v

DAVID NERENBERG,

Defendant-Appellant.

No. 290570

Oakland Circuit Court

LC No. 2003-687930-PH

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Before: K. F. KELLY, P.J., and WILDER and GLEICHER, JJ.

PER CURIAM.

In these consolidated appeals, defendant appeals as of right from two convictions of criminal contempt. Defendant was sentenced to 93 days' jail for each conviction. We affirm.<sup>1</sup>

Defendant's convictions arise from his continual harassment of two unrelated individuals. In docket no. 290569, defendant began stalking and harassing the victim in 1995. The victim received a personal protection order (PPO) against defendant, which was set to expire in September 2005. Defendant did not abide by the PPO and was twice convicted of criminal contempt for violating the PPO; he received 10 days' jail and no sentence for those convictions, respectively. As of 2004, however, defendant continued to violate the PPO. Similarly, in docket no. 290570, a PPO was issued against defendant, which prohibited him from stalking and

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<sup>1</sup> These appeals have been decided without oral argument pursuant to MCR 7.214(E).

harassing an employee of his previous employer. Defendant also violated this order. Thus, in April 2004, defendant was convicted of criminal contempt in both cases and sentenced to 93 days' jail for each conviction.

Defendant's sole argument on appeal is that he was deprived of his constitutional right to a trial by jury. We disagree. We review constitutional issues de novo. *Brandt v Brandt*, 250 Mich App 68, 72; 645 NW2d 327 (2002). The Michigan Constitution, Const 1963, art I, § 20, guarantees the right to a jury trial for both petty and serious violations of criminal statutes, *People v Antkoviak*, 242 Mich App 424, 481-482; 619 NW2d 18 (2000), but does not extend this same guarantee to criminal contempt proceedings, *Cross Co v UAW Local No 155 (AFL-CIO)*, 377 Mich 202, 211; 139 NW2d 694 (1966); see MCR 3.708(H)(1). The Sixth Amendment to the federal constitution, US Const, Ams VI, XIV, guarantees a jury trial for criminal contempt proceedings only if the actual punishment imposed is greater than six months. *Bloom v Illinois*, 391 US 194, 198-199; 88 S Ct 1477; 20 L Ed 2d 522 (1968).

Here, both of defendant's convictions were for criminal contempt and the sentences imposed were less than six months. Therefore, neither the United States Constitution nor the Michigan Constitution guaranteed him a right to a jury trial. If the right to a jury trial is to be extended to petty criminal contempt cases, it is for the United States Supreme Court, the Michigan Supreme Court, or the Michigan Legislature to do so.

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ Kurtis T. Wilder  
/s/ Elizabeth L. Gleicher