

STATE OF MICHIGAN
COURT OF APPEALS

ELIZABETH RENEE WELLING,

Petitioner-Appellee,

v

BRIAN ADAM PUCKETT,

Respondent-Appellant.

UNPUBLISHED

January 28, 2010

No. 289662

Genesee Circuit Court

LC No. 08-280667-PP

Before: Donofrio, P.J., and Meter and Murray, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order holding him in criminal contempt for violating a personal protection order (“PPO”). We affirm.

The trial court’s issuance of an order of contempt is reviewed for an abuse of discretion. *In re Contempt of Henry*, 282 Mich App 656, 671; 765 NW2d 44 (2009). “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 trial court’s factual findings are reviewed for clear error.” *DeGeorge v Warheit*, 276 Mich App 587, 591; 741 NW2d 384 (2007). “A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses.” *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

Criminal contempt requires the petitioner or prosecuting attorney to prove beyond a reasonable doubt that the alleged contemnor willfully disregarded or disobeyed a court order. *DeGeorge*, 276 Mich App at 592; MCR 3.708(H)(3). Circumstantial evidence and reasonable inferences derived therefrom may be sufficient to prove guilt beyond a reasonable doubt. *People v Harrison*, 283 Mich App 374, 378; 768 NW2d 98 (2009).

Petitioner obtained a PPO against respondent because he refused to leave her alone after she ended their dating relationship. The order prohibited respondent from, among other things, sending communications to petitioner, following petitioner or appearing within her sight, appearing at petitioner’s workplace or residence, and approaching or confronting petitioner in a public place or on private property.

Respondent was charged with violating the PPO after he appeared at her workplace on November 13, 2008. There was no dispute that respondent was at the mall where petitioner worked, that he appeared within her sight at the mall, and that he went into the American Eagle store where she worked. The only issue was whether respondent willfully disobeyed the PPO or whether the violation was accidental, which depended in part on whether respondent knew petitioner worked at American Eagle.

The circumstantial evidence was sufficient to permit the court to find that respondent knew that petitioner worked at the American Eagle store at Meridian Mall. Petitioner testified that respondent was able to find her even when she did not tell him where she was, as evidenced by the fact that he showed up at the Flint campus of Baker College when petitioner moved there. Petitioner further testified that respondent was able to access private information from her computer, as evidenced by the fact that he would later make statements about things he could have known only if he had accessed her personal files. Petitioner further testified that information regarding American Eagle was briefly stored in her computer and the evidence showed that respondent showed up at that very store within ten days of petitioner's employment there. Therefore, it was reasonable to infer that respondent had knowledge that petitioner worked at American Eagle.

Finally, notwithstanding that respondent offered a valid reason for traveling to Lansing that day, the evidence showed that he chose to go to the Meridian Mall for a good part of the day, that American Eagle was the only store where respondent made a purchase, that respondent went to that store immediately upon arriving at the mall, that respondent seemed nervous while shopping there, and that respondent subsequently returned to the store, ostensibly to double-check the receipt. Viewing the evidence as a whole, it was reasonable for the trial court to find that respondent manufactured a reason to go to the Meridian Mall and remained there for several hours on the chance that that he would find petitioner there, which is exactly what happened. The evidence was sufficient to prove beyond a reasonable doubt that respondent willfully disobeyed the PPO. Therefore, the trial court did not abuse its discretion in finding respondent in contempt.

Affirmed.

/s/ Pat M. Donofrio
/s/ Patrick M. Meter
/s/ Christopher M. Murray