

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

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REEDY J. DEEL and IRENE DEEL,

Plaintiffs-Appellees,

v

GARY JAY LYON, a/k/a GERRY LYONS,

Defendant-Appellant.

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UNPUBLISHED

May 15, 1998

No. 202659

Oakland Circuit Court

LC No. 96-529939 FH

Before: Neff, P.J., and White and D. A. Teeple,\* JJ.

MEMORANDUM.

In this appeal as of right, defendant challenges the trial court's entry of an amended personal protection order, which restrains defendant from engaging in certain forms of contact with his neighbors, plaintiffs Reedy J. and Irene Deel, following the court's denial of defendant's motion to rescind the PPO. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err when it denied defendant's motion to rescind, where there was testimony at the evidentiary hearing, determined to be credible by the trial court, that demonstrated that defendant engaged in a willful course of conduct that would cause a reasonable person to feel frightened, intimidated, and harassed and that actually caused plaintiffs to experience these feelings. MCL 600.2950a; MSA 27A.2950(1); MCL 750.411h; MSA 28.643(8). Its findings of fact are expressly predicated on an assessment of the credibility and weight to be accorded conflicting testimony and are not clearly erroneous. Given such findings, the issuance of the PPO on these terms is not an abuse of the trial court's equitable discretion.

Affirmed.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Janet T. Neff  
/s/ Helene N. White  
/s/ Donald A. Teeple