

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

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In re Contempt of MARSHA ANN HARRISON.

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CYNTHIA R. EVANS,

Plaintiff-Appellee,

v

MARSHA ANN HARRISON,

Defendant-Appellant.

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UNPUBLISHED

April 21, 2000

No. 215042

Ingham Circuit Court

LC No. 98-400859

Before: Collins, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals as of right her criminal contempt conviction, based on violation of a personal protection order. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action to stop defendant from engaging in stalking activities. The trial court entered an ex parte personal protection order on February 12, 1998, prohibiting defendant from appearing at plaintiff's workplace or residence, entering onto plaintiff's property, sending mail or other communications to plaintiff, contacting plaintiff by telephone, or placing or delivering any object to property owned, leased, or occupied by plaintiff.

Plaintiff petitioned for a hearing for defendant to show cause why she should not be held in contempt, based on a series of phone calls made to plaintiff and her associates. At the conclusion of the hearing, the court found defendant guilty beyond a reasonable doubt. The court subsequently imposed a \$500 fine on defendant, but did not order any jail time.

On appeal, defendant maintains that there was insufficient evidence to support a finding of contempt beyond a reasonable doubt. We disagree.

Under MCL 600.2950a(20); MSA 27A.2950(1)(20), a person who fails to comply with a personal protection order is subject to the criminal contempt powers of the court. For conviction in a criminal contempt matter, it is necessary to find the defendant guilty beyond a reasonable doubt. *People v Little*, 115 Mich App 662, 665; 321 NW2d 763 (1982). In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

A reasonable person could find from the circumstantial evidence presented that defendant was guilty beyond a reasonable doubt of violating the personal protection order. The evidence showed that defendant made a threatening call to plaintiff's ex-husband. Although that call in itself did not violate the personal protection order, it showed defendant's pattern of conduct. Another inappropriate call was tracked from defendant's phone. Combined with the timing, frequency, and form of nuisance calls received by plaintiff, the court could reasonably conclude that defendant made calls to plaintiff in violation of the personal protection order.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Janet T. Neff

/s/ Michael R. Smolenski