

STATE OF MICHIGAN
COURT OF APPEALS

TERRY LEE CARSON, BRYAN KEITH
SHATTUCK, DIANE KAY BACKUS,
JACQUELYN JEAN SHATTUCK, and TRAVIS
CLARENCE SHATTUCK,

Plaintiffs-Appellees,

v

JON ROSS WRIGHT,

Defendant-Appellant.

UNPUBLISHED
November 15, 2012

No. 302113
Clare Circuit Court
LC No. 10-900198-NO

Before: TALBOT, P.J., and BECKERING and M. J. KELLY, JJ.

PER CURIAM.

Jon Ross Wright appeals as of right the trial court's grant of a permanent injunction in favor of Terry Lee Carson, Bryan Keith Shattuck, Diane Kay Backus, Jacquelyn Jean Shattuck, and Travis Clarence Shattuck ("the family") which prohibits Wright from being within 1,000 yards of the family's residence, or "from contacting, following, or appearing within sight of [the family]." We affirm.

Wright lived next door to Backus, and her friend Carson. Also residing in the home were Backus's son and daughter-in-law, Bryan and Jacquelyn Shattuck. On January 30, 2010, Wright used a rifle to shoot through the door of the family's residence. The bullets narrowly missed hitting both Bryan and Travis Shattuck, who was visiting Backus, his grandmother. The family retreated to a back bedroom and closed the door. Wright entered the home and continued to shoot. Wright eventually reached the back bedroom, knocked on the door, and announced that he was coming in. When Wright entered, the butt of his rifle was facing forward, so Bryan was able to disarm him. As a result of the incident, Wright was convicted and sentenced to five years' imprisonment.

The family initially sought a personal protection order ("PPO") against Wright, but their request was denied. The family then filed a four-count complaint against Wright, which included a request for permanent injunctive relief. At the hearing on the family's motion for permanent injunction, the family testified regarding how their lives had been altered by the assault. The overriding theme of the family's testimony was that they were afraid of Wright

moving back into the house next door to them. The court granted injunctive relief and the other three counts in the complaint were dismissed after stipulation of the parties.

On appeal, Wright argues that the trial court erred when it granted the family permanent injunctive relief. Specifically, Wright asserts that because the injunction is designed to prohibit future criminal conduct, the issuance of a peace bond and a PPO are the exclusive remedies available to the family to enjoin the anticipated behavior. We disagree. “We review a trial court’s grant of injunctive relief for an abuse of discretion.”¹ An abuse of discretion occurs “when the trial court’s decision falls outside the range of principled outcomes.”² “In addition, statutory interpretation is a question of law that is reviewed [by this Court] de novo.”³

“[I]njunctive relief is an extraordinary remedy that issues only when justice requires, there is no adequate remedy at law, and there exists a real and imminent danger of irreparable injury[.]”⁴ Before issuing a permanent injunction, the court should consider:

- (a) the nature of the interest to be protected,
- (b) the relative adequacy to the plaintiff of injunction and of other remedies,
- (c) any unreasonable delay by the plaintiff in bringing suit,
- (d) any related misconduct on the part of the plaintiff,
- (e) the relative hardship likely to result to defendant if an injunction is granted and to plaintiff if it is denied,
- (f) the interests of third persons and of the public, and
- (g) the practicability of framing and enforcing the order or judgment.⁵

Here, the trial court did not abuse its discretion when it granted the family’s request for a permanent injunction. The family sought to protect their physical, emotional and psychological well-being with the injunction. These interests, while adequately protected in equity, would be inadequately protected at law and there was no unreasonable delay by the family in bringing suit. Although Wright would be unable to reside in his grandparents’ home if Backus, Carson, and the

¹ *Mich Coalition of State Employee Unions v Mich Civil Serv Comm*, 465 Mich 212, 217; 634 NW2d 692 (2001).

² *Detroit Fire Fighters Ass’n, IAFF Local 344 v Detroit*, 482 Mich 18, 28; 753 NW2d 579 (2008).

³ *JW Hobbs Corp v Dep’t of Treasury*, 268 Mich App 38, 43; 706 NW2d 460 (2005).

⁴ *Wiggins v City of Burton*, 291 Mich App 532, 558-559; 805 NW2d 517 (2011) (citation and quotations omitted).

⁵ *Kernen v Homestead Dev Co*, 232 Mich App 503, 514-515; 591 NW2d 369 (1998).

Shattuck's continued to reside next door, he would still be able to reside in the community. Additionally, Wright's hardship because of the injunction is outweighed by the potential hardship to the family if the injunction was denied. The record demonstrates that Wright terrorized the family for no known reason. There was no evidence presented that the cause of Wright's violent behavior, which was focused directly at the family, was identified or addressed. The family continues to suffer negative effects from the incident, including fear and sensitivity to loud noises, which has necessitated therapy for some family members. Moreover, testimony was elicited that if Wright were permitted to live next door to the family, they would be forced to move. Furthermore, because of the specific parameters of the injunction, the injunction could be enforced by the court. Accordingly, reversal here is not warranted.⁶

Wright correctly asserts that "only in the cases of public or private nuisance or injury to property rights will equity jurisdiction be available to enjoin criminal violations."⁷ Here, however, the family has not sought to enjoin the commission of a crime. Rather, the family sought to enjoin Wright from living or coming near them or their homes, which are not criminal acts. Thus, Wright's argument is unpersuasive. Additionally, Wright has failed to cite any authority in support of his assertion that the exclusive remedies available to a party seeking a remedy to "anticipate and prevent criminal behavior" are a peace order or a PPO. Accordingly, Wright's argument lacks merit.

Affirmed.

/s/ Michael J. Talbot
/s/ Jane M. Beckering
/s/ Michael J. Kelly

⁶ *Id.*; *Detroit Fire Fighters Ass'n, IAFF Local 344*, 482 Mich at 28.

⁷ *Mich License Beverage Ass'n v Behnan Hall, Inc*, 82 Mich App 319, 327-328; 266 NW2d 808 (1978).