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STATE OF MICHIGAN

COURT OF APPEALS

MT, Petitioner-Appellee,	UNPUBLISHED August 18, 2026 11:17 AM
v	No. 375578 St. Clair Circuit Court
TPF, Respondent-Appellant.	LC No. 24-002588-PP

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

Respondent, TPF, appeals the trial court's denial of his motion to terminate an ex parte personal protection order (PPO) entered by the trial court pursuant to MCL 600.2950. On appeal, respondent presents the following six issues: (1) that petitioner's evidence did not meet the requisite burden of proof, (2) that the trial court failed to question petitioner about mental health and drug use, (3) that the court ignored petitioner's use of a racial slur, (4) that the court "always cut off the testimony from [respondent]," (5) that it dismissed evidence offered by respondent, and (6) that it minimized "parental rights for [respondent]." In his brief, respondent cites to no legal authority in support of any of these positions, with the sole exception of MCR 3.709, which in pertinent part indicates that a respondent has an appeal of right when a trial court denies their first motion to rescind an ex parte PPO. Likewise, respondent's brief on appeal contains no legal analysis whatsoever; and instead only contains a series of conclusory statements. Finding no error in the entry of the lower court's order, we affirm.

I. FACTS AND PROCEDURAL HISTORY

On December 2, 2024, MT filed a petition for an ex parte PPO alleging that respondent entered her home using a key she had previously given to him, just after noon on November 28, 2024 (Thanksgiving), after which he rushed into their infant's bedroom and started yelling at petitioner to give him back a piece of clothing he had gifted her the previous holiday. She told him where to locate the item, he retrieved it, after which he started making loud violent threats to her, including suggesting that he was going to get her "head cracked," she was going to get "knocked upside [her] head," and he was going to "hurt and destroy [her]." He was also alleged

to have made threats about causing her to lose her healthcare license. Petitioner alleged that respondent had recently exhibited similar escalating behavior and that she was in fear of her life, as well as in fear for the life of her infant child. When petitioner asked respondent to give her back the keys to her home, he refused and said that she would have to change the locks, which she did. The petition included a police report regarding the altercation on Thanksgiving (the altercation) and what the petitioner claimed to be a transcript of an audio recording of the altercation.

On December 4, 2024, without holding a hearing, the trial court entered an ex parte PPO prohibiting respondent from the following: entering onto the property where petitioner lives; assaulting, attacking, beating, molesting or wounding petitioner or the minor child; stalking as defined by MCL 750.411h and 411i; threatening to kill or physically injured petitioner or the minor child; interfering with petitioner's place of employment; having access to information in records concerning petitioner or the minor child that will reveal their address, telephone number or petitioner's employment address; purchasing or possessing a firearm; and posting a message through the use of any medium of communication without consent pursuant to MCL 750.411s.

Respondent moved to terminate the PPO and a hearing was conducted on January 23, 2025. After being sworn, respondent testified that he did not return petitioner's house key when asked. When the court inquired asked why he refused to give her the key, respondent testified that he had the key in order to stop by to check on their infant child, and respondent wanted her key returned so that he could not check up on the baby. Respondent then began reading alleged text messages from petitioner that respondent said would show that they had a "ninety percent" healthy relationship before the birth of their child. He indicated that she complained to police about him on the previous Thanksgiving and that the police report only presented petitioner's version of the events regarding respondent having threatened her. As respondent's testimony veered even more off-topic, the court cut him off and told him to answer the last question, which was: why didn't he return the key when asked. Petitioner responded that he was angry.

The court then turned to the issue of why respondent let himself into petitioner's home that day and then refused to leave. Respondent testified that he had been going there periodically to check on their infant child; petitioner had not asked him to leave; and this case was not about petitioner fearing him, but was instead about custody of their child.

Counsel for petitioner then indicated that respondent recently filed a custody complaint and petitioner had not yet been served with it. The court then noted that a hearing on the child custody matter was scheduled to take place before a Friend of the Court referee on February 11, 2025.

The court indicated that it would schedule an evidentiary hearing regarding respondent's motion to terminate the PPO, but instructed respondent that he must continue to abide by the PPO because it would remain in effect (pending the evidentiary hearing). Respondent then said: "Your honor, I tried to break up with [her] three times. I love this PPO."

On May 1, 2025, the trial court conducted the evidentiary hearing regarding respondent's motion to terminate the PPO. The only witnesses who testified at the hearing were the parties, each of whom were represented by counsel. Upon the direct examination of respondent, counsel for petitioner indicated that he had the audio recording of respondent's interaction with petitioner

at the time of the altercation and that, if respondent disagreed with any of the purported transcript of that recording, it could be played for respondent at the hearing. Respondent admitted to calling respondent several very derogatory names, making demeaning sexual comments about her, and saying that he was going to "fry her for her job" as a healthcare worker. Respondent denied that any of his comments would have given respondent reason to be fearful of him.

Petitioner was then called to the stand and testified that respondent's behavior towards her, which had initially been kind and considerate, changed almost immediately after she told him she was pregnant. She said she became fearful because respondent starting to be more controlling, and because she found his behavior to be aggressive and violent. She said she was hoping he would change during the first month after their child was born, but he kept coming over unannounced, was acting bizarre, was accusing her of cheating, and calling her derogatory names. Regarding the altercation, she testified that: she asked for him to return her house key over and over, she knew that respondent carries a gun on his hip, he was very aggressive, and the recording of his behavior that day was representative of his recent behavior. She testified that the names he called her and the threats to "fry" her and interfere with her employment, caused her to fear for her safety, especially when he said he was going to hurt and destroy her. Likewise, she testified she was fearful for the safety of her child. She testified that she felt threatened by having respondent scream at her when he was wearing a gun on his hip, and that his behavior was aggressive and volatile. She related another incident that occurred inside a car a couple of months before the birth of her child, at the location of her baby shower. She testified she felt that she could not leave the car while respondent yelled directly in her face, saying that he did not want her to have the baby and that he wanted her mother to die.

During cross-examination and redirect, petitioner admitted to using a racial slur to describe respondent once in a text message, and disagreed with respondent's counsel's assertion that she should never use that word, indicating that she used a slang version of the word that she believed was "okay to say," and that respondent had replied with a text of his own indicating that he liked her text. When asked if petitioner ever raised his hands towards her, respondent said he had done so during the incident at the baby shower, but that he had never hit her.

Respondent was recalled as a witness and testified that, on the morning of the altercation, petitioner called him a derogatory racial slur in the presence of their infant child, which upset him, and led to his calling petitioner the derogatory terms referenced in his earlier testimony. He testified she had called him that slur before, but that was the first time she had used that term in front of one of his children. He said he never raised his hand at her, never charged at her, never threw anything at her, and never did anything threatening to her at the time of the Thanksgiving altercation. He said he did not deny anything in the transcript, indicated that the threats he made were threats regarding her employment, but also indicated that he never actually went to her place of employment or called her employer. He acknowledged that he told petitioner that he wanted to "ban" her healthcare license, but when questioned about stating that he would hurt and destroy petitioner, respondent again indicated that he made those comments about her employment situation.

On the record, the trial court noted the conflicting testimony between the parties about whether petitioner called respondent a racial slur on the date of the altercation; but it found that, even if the court accepted respondent's version, his reaction was extreme and beyond the bounds

of what the court would anticipate. The court accepted that respondent could be fairly expected to respond to such an epithet by likewise calling petitioner some hurtful names, but the court indicated that respondent had also exhibited threatening behavior. As a result, the court stated that it was denying the motion to terminate the PPO, stated that the terms of the PPO would remain in effect until its expiration, and entered a written order to that effect.

Respondent then filed a timely claim for appeal.

II. STANDARD OF REVIEW

Following the filing of a petition, the trial court's entry of a PPO is "within the discretion of the trial court and will not be reversed on appeal absent an abuse of discretion." *SP v BEK*, 339 Mich App 171, 176; 981 NW2d 500 (2021) (quotation marks and citation omitted). See also *Hayford v Hayford*, 279 Mich App 324, 325; 769 NW2d 324 (2008) ("We review for an abuse of discretion a trial court's determination whether to issue a PPO because it is an injunctive order."). Likewise, a trial court's evidentiary rulings are reviewed for an abuse of discretion. *Sherry v E Suburban Football League*, 292 Mich App 23, 32; 807 NW2d 859 (2011). "An abuse of discretion occurs when the decision resulted in an outcome falling outside the range of principled outcomes." *SP*, 339 Mich App at 176 (quotation marks and citation omitted). "A court necessarily abuses its discretion when it makes an error of law." *TT v KL*, 334 Mich App 413, 438; 965 NW2d 101 (2020).

We review a trial court's findings of fact, including such findings as they pertain to a PPO, for clear error. *Hayford*, 279 Mich App at 325. Under the clear-error standard, we give deference to the lower court and hold that the court clearly erred only if we are "left with the definite and firm conviction that a mistake has been made." *Jonkers v Summit Twp*, 278 Mich App 263, 265; 747 NW2d 901 (2008) (quotation marks and citation omitted).

"Findings of fact by the trial court may not be set aside unless clearly erroneous. In the application of this principle, regard shall be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C).The trier of fact is in the best position to evaluate the demeanor of each witness in weighing the credibility of their respective testimonies. See *SP*, 339 Mich App at 176.

III. ANALYSIS

A. RESPONDENT HAS FAILED TO BRIEF THE ISSUES PRESENTED

As previously noted, respondent's brief on appeal cites no legal authority for the relief requested and provides no analysis applying the facts of the case to the applicable law. Instead, his brief on appeal contains only a series of conclusory statements taking the form of a one-page "Statement of Facts" and a one-page "Statement of Questions." As this Court has stated repeatedly, "[a] party may not simply announce a position and leave it to this Court to make the party's arguments and search for authority to support the party's position," and in such a circumstance, the issue is deemed abandoned or waived on appeal. *Seifeddine v Jaber*, 327 Mich App 514, 519-520; 934 NW2d 64 (2019). See also *Hoffman Machinery Corp v Reid Machinery Inc*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 368468); slip op at 11; *American*

Transmission, Inc v Channel 7 of Detroit, *Inc*, 239 Mich App 695, 705; 609 NW2d 607 (2000). For this reason alone, we would affirm the trial court's order.

B. THE TRIAL COURT DID NOT ERR

Regardless, the record demonstrates that there is no merit to any of respondent's contentions, i.e., the trial court did not abuse its discretion by denying the motion to terminate the PPO.[1]

The subject PPO was entered pursuant to MCL 600.2950, subsection (1) of which states the following in pertinent part:

> (1) Except as otherwise provided in subsections (26) and (27), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:
>
> (a) Entering onto premises.
>
> (b) Assaulting, attacking, beating, molesting, or wounding a named individual.
>
> (c) Threatening to kill or physically injure a named individual.
>
> (d) Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
>
> (e) Purchasing or possessing a firearm.
>
> (f) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
>
> (g) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment.

[1] To be clear, respondent does not challenge the issuance of the ex parte PPO under MCL 600.2950; rather, he challenges the trial court's order denying his motion to terminate the PPO.

* * *

(*l*) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.

Regarding the proof required for the issuance of a PPO, MCL 600.2950(4) states the following:

> The court shall issue a personal protection order under this section if the court determines that there is reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1). In determining whether reasonable cause exists, the court shall consider all of the following:
>
> (a) Testimony, documents, or other evidence offered in support of the request for a personal protection order.
>
> (b) Whether the individual to be restrained or enjoined has previously committed or threatened to commit 1 or more of the acts listed in subsection (1).

Respondent first claims that the evidence presented by petitioner did not meet the requisite burden of proof. We disagree.

The petitioner has the burden of proof to demonstrate reasonable cause for a PPO to issue. *Hayford*, 279 Mich App at 326.

> When making that determination, the circuit court is not limited to the four corners of the petition itself; rather, it must consider the testimony, documents, and other evidence proffered to determine whether a respondent engaged in harassing conduct. Nothing in the statute or court rule suggests that the circuit court is limited to considering the incidents alleged in the PPO petition. Instead, our court rules specifically *require* the circuit court to go beyond the PPO petition and either interview the petitioner or provide an evidentiary hearing. [*Lamkin v Engram*, 295 Mich App 701, 711; 815 NW2d 793 (2012) (citation omitted).]

In the instant case, petitioner provided a transcript of an audio recording of respondent at the time of the altercation, the contents of which were authenticated by respondent, which included, *inter alia*, threats by respondent that petitioner would get her "head cracked" and that he would "hurt and destroy" her. Those threats were made after respondent let himself into petitioner's home uninvited, refused to give her back the key he used to gain entry, and while respondent was verbally abusing respondent and openly carrying a firearm. At a minimum, that evidence constituted reasonable cause regarding petitioner's apprehension of violence, i.e., reasonable cause to believe that respondent would be violent towards petitioner consistent with MCL 600.2950(1)(*l*).

Next, respondent essentially argues that the court failed to allow evidence at the evidentiary hearing pertaining to petitioner's alleged mental health and drug use. However, respondent fails

to even attempt to explain how this issue is relevant to the issue whether evidence of his behavior constituted reasonable proof for the issuance of a PPO.

Respondent also argues that the trial court ignored petitioner's use of a racial slur, but that assertion is not supported by the record, as detailed above. In making its determination in this matter, the trial court accepted respondent's testimony as it pertained to that issue, but also found that his reaction, which included the threats of violence described above, was extreme and out of proportion.

As for the respondent's assertion that the trial court "always cut off the testimony from [respondent]," that claim is also contradicted by the hearing transcript. While it is true that the trial court interrupted respondent multiple times, those interruptions occurred when respondent failed to answer questions posed to him at the hearing or when he attempted to insert inadmissible evidence, including matters that were not relevant to the issues before the court.

Respondent also argues that the trial court dismissed evidence offered by respondent, consisting of a picture allegedly showing respondent sleeping in bed with his and petitioner's infant child, and another depicting old friends of respondent babysitting the child. However, because respondent offers no argument whatsoever as to how such evidence would have been admissible or how it would have countered the evidence of his threatening aggressive behavior towards respondent, we can find no error here.

Regarding respondent's final issue, that the trial court minimized his parental rights, respondent fails to actually explain his position. To the extent that he is suggesting that the trial court should have taken into account the extent to which a PPO would affect his parenting time with his infant child, he offers no authority for such a proposition.

For all of these reasons, we hold that the trial court did not abuse its discretion when it denied respondent's motion to terminate the PPO.

Affirmed.

/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado
/s/ Randy J. Wallace