

STATE OF MICHIGAN
COURT OF APPEALS

BONNIE LOU PODEWELL,

Petitioner-Appellee,

v

STEPHEN ELDEN PODEWELL,

Respondent-Appellant.

UNPUBLISHED

May 14, 2019

No. 341580

Allegan Circuit Court

LC No. 16-057481-PP

Before: GLEICHER, P.J., and RONAYNE KRAUSE and O'BRIEN, JJ.

PER CURIAM.

Bonnie Lou Podewell secured a personal protection order (PPO) against her ex-husband, Stephen Podewell, three years after their divorce became final because Stephen continued to stalk and threaten Bonnie in hopes of rekindling their marriage. The circuit court denied Stephen's repeated efforts to terminate the PPO. Because the protective order was warranted under MCL 600.2950, we affirm.

I. BACKGROUND

The Podewells' divorce was finalized in October 2013. The pair share four children and maintained communication in an effort to co-parent. Stephen was not willing to accept the divorce and repeatedly harassed Bonnie about rekindling their relationship. He also threatened Bonnie, her attorney and his family, the judge in the divorce proceedings, his children, and any man that Bonnie might date in the future. Eventually, Bonnie did start dating and Stephen followed Bonnie and her boyfriend. As a result of this unwanted communication and stalking, Bonnie secured a PPO against Stephen in December 2016. Undeterred, Stephen continued to communicate with Bonnie via email and text message seeking to get back together. Stephen filed several motions to terminate the PPO. He also spent time in jail for violating the protective order and eventually pleaded nolo contendere to an aggravated stalking charge, MCL 750.411i.

The circuit court rejected Stephen's attempts to terminate the PPO and he now appeals.

II. ANALYSIS

A PPO is an injunctive order. See MCL 600.2950(31)(d).¹ We review for an abuse of discretion a circuit court’s granting of such injunctive relief. *Pickering v Pickering*, 253 Mich App 694, 700; 659 NW2d 649 (2002). MCL 600.2950(4) permitted the issuance of a PPO “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 [MCL 600.2950(1)].” MCL 600.2950(1) enumerates several acts that may be proscribed by a PPO, including:

(c) Threatening to kill or physically injure a named individual.

* * *

(i) Engaging in conduct that is prohibited under . . . MCL 750.411h and 750.411i.

* * *

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

The circuit court did not abuse its discretion in continuing the PPO. The court found credible Bonnie’s claims that Stephen levied threats against her, their children, and her boyfriend. We may not interfere with that credibility assessment. See *People v Salloway*, 316 Mich App 174, 181-182; 891 NW2d 255 (2016). The court’s findings support the continuance of the PPO under MCL 600.2950(1)(c) and (k).

The record further establishes that Stephen violated MCL 750.411h and MCL 750.411i through conduct amounting to stalking.

“Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. [MCL 750.411h(1)(d); MCL 750.411i(1)(e).]

“Harassment” is “conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress.” MCL 750.411h(1)(c); MCL 750.411i(1)(d). “Unconsented contact” is “any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s

¹ This opinion relies upon the version of MCL 600.2950 in effect when Bonnie secured her PPO and when the court rejected Stephen’s motions to terminate it. MCL 600.2950 has since been amended by 2018 PA 146, effective August 8, 2018. The relevant statutory provisions have been moved but remain substantively the same.

expressed desire that the contact be avoided or discontinued.” MCL 750.411h(1)(e); MCL 750.411i(1)(f).

Bonnie presented numerous emails and text messages from Stephen declaring his love and urging Bonnie to return to their marriage. She also presented a text message she sent to Stephen specifically asking him to stop this type of communication. Indeed, Bonnie established that Stephen continued such messages through email, text message, and in person after ordered by the court to cease and desist in the PPO. The court also found credible Bonnie’s allegation that Stephen was following her and her boyfriend. This was unconsented conduct designed to harass Bonnie and that caused her emotional distress. During the circuit court proceedings, the prosecutor charged Stephen with aggravated stalking in violation of MCL 750.411i based on this conduct and he eventually pleaded nolo contendere. Given Stephen’s admission during the current proceedings that he violated the PPO through continued unconsented contact and harassment of Bonnie, we discern no error in the court’s conclusion that the PPO should remain in place.

As Stephen was not entitled to termination of the PPO, he also is not entitled to the myriad other relief sought in his appellate brief.

We affirm.

/s/ Elizabeth L. Gleicher
/s/ Amy Ronayne Krause
/s/ Colleen A. O’Brien