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Court: Man won't face jail in feud with neighbor

Mike Martindale, The Detroit News Published 7:06 p.m. ET Aug. 1, 2017 | Updated 11:17 p.m. ET Aug. 1, 2017



(Photo: Viviana Pernot / Special to Detroit News)

West Bloomfield Township – The Michigan Court of Appeals ruled Tuesday a township man accused of violating a no-contact order with a neighbor does not have to face a probation violation hearing.

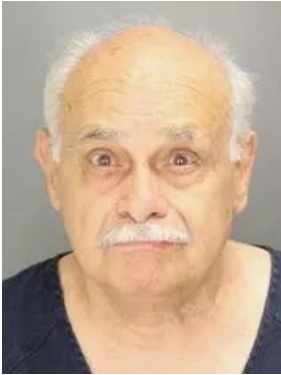
The court said its ruling, which spares James Cantini from the possibility of jail time, was made because Cantini's attorney and the prosecutor asked that the case be dismissed.

Cantini, 76, was scheduled to appear Thursday before 48th District Judge Diane D'Agostini for allegedly violating his one-year probationary sentence.

Cantini, [who has feuded with Elder Road neighbor Michael Doyle for 17 years](https://www.detroitnews.com/story/news/local/oakland-county/2017/07/31/west-bloomfield-neighbors-squabble-mean-jail/104181170/) (/story/news/local/oakland-county/2017/07/31/west-bloomfield-neighbors-squabble-mean-jail/104181170/), received the sentence last year after he pleaded guilty to disturbing the peace for blaring "LaCucaracha" on the musical horn of his riding lawn mower.

After consideration of an emergency appeal, the Michigan Court of Appeals ordered the matter returned to district court and "immediately dismissed" for probation violation.

"I'm happy for my client," said Cantini's attorney, Todd Kaluzny. "I wanted this resolved and most of all, wanted him kept out of jail."



Cantini (Photo: Oakland County Sheriff's Office)

D'Agostini sentenced him to anger management classes, a psychological evaluation and no contact with the Doyles. In May, Doyle sent an email to the township, citing a dozen incidents in which he believed Cantini had ignored the judge's order, setting up a probation violation hearing.

Kaluzny and township attorney Larry Sherman both agreed last month that the neighbors had made progress in settling their feud and a probation violation hearing would rekindle bad feelings.

Both attorneys requested a dismissal of the violation but D'Agostini said doing so would usurp her authority as judge and ordered a hearing, according to Kaluzny.

The judge, through a clerk, has declined to comment.

Kaluzny turned to Oakland Circuit Chief Judge Nanci Grant but she declined to hear the matter and said it should go back to district court.

Kaluzny and Sherman filed an emergency appeal on Monday and heard back Tuesday that the Appeals Court agreed that a prosecutor – in this case the township attorney – had "sole discretion to decide whether to pursue prosecution of an offense, including whether to pursue a probation violation."

The appeals order, signed by chief judge Mark Cavanagh, said the "constitutional separation of powers bar the trial court from interfering with the prosecutor's decision" unless it is unconstitutional or illegal.

mmartindale@detroitnews.com

(248) 338-0319

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