STATE OF MICHIGAN

COURT OF APPEALS

In re ALEXANDER TYRONE BING.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

ALEXANDER TYRONE BING,

Respondent-Appellant.

UNPUBLISHED
September 22, 1998

No. 202274
Wayne Juvenile Court
LC No. 95-334304

Before: Whitbeck, P.J., and McDonald and T. J. Hicks*, JJ.

MEMORANDUM.

In June of 1996, the juvenile court adjudicated respondent as incorrigible and placed him on in-home probation. Due to a series of additional incidents, in January of 1997, the juvenile court determined that respondent had violated the terms of his probation and entered a dispositional order placing respondent in a campus-based facility. Respondent appeals as of right. We affirm.

The juvenile court did not deny respondent due process when it revoked respondent's probation and ordered his out-of-home placement without taking the testimony of his counselor. *In Re Belcher*, 143 Mich App 68, 71; 371 NW2d 474 (1985); *In the Matter of Lamont Madison*, 142 Mich App 216, 223-224; 369 NW2d 474 (1985). Respondent had ample opportunity to reveal his accusations of abuse to his maternal grandmother, probation officer, school officials or, during prior appearances, to the juvenile court referee. However, none of these persons were aware of them. Because the juvenile court determined that respondent's claims of abuse in his home placement were largely incredible, the juvenile court need not have delayed proceedings to explore the issue of abuse with respondent's counselor.

On the record presented, the probate court provided respondent with the essential guarantee of due process, an opportunity to be fully heard, on the issue of whether respondent violated the terms of

* Circuit judge, sitting on the Court of Appeals by assignment.

his probation. The people met their burden of establishing, by a preponderance of the evidence, that respondent violated the terms of his probation. *In re Belcher, supra* at 74.

Affirmed.

/s/ William C. Whitbeck
/s/ Gary R. McDonald
/s/ Timothy G. Hicks