

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDOR LEDESMA,
ALICIA LEDESMA, and ANTONIO LEDESMA,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
September 30, 2004

v

No. 254749
Antrim Circuit Court
Family Division
LC No. 02-002001-NA

ALEXANDOR LEDESMA,

Respondent-Appellant,

and

ANGELA WAY,

Respondent.

Before: Borrello, P.J., and Murray and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant (hereinafter respondent) appeals as of right from the trial court order terminating his parental rights to the minor children based on MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J): *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication with regard to respondent was his incarceration and resultant inability to provide proper custody and care of the children. While imprisoned respondent failed to maintain contact or provide support to any of his children. Moreover, when released from prison and placed on parole, rather than attempting to work toward reunification with his children, respondent chose to violate parole by assaulting the children's mother, engaging in substance abuse, failing to report to his parole officer, and committing actions that led to two additional criminal felony charges and an habitual offender, fourth offense notice, for which he was facing trial at the time of the instant trial. Therefore, the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Stephen L. Borrello

/s/ Christopher M. Murray

/s/ Karen M. Fort Hood