

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTOPHER WALTER
HOWARD, Minor.

JOHNELLA RICHMOND MOSES,

Petitioner-Appellee,

v

CHRISTOPHER WALTER HOWARD,

Respondent-Appellant.

UNPUBLISHED

April 19, 2005

No. 256907

Oakland Circuit Court

Family Division

LC No. 04-691688 NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(h) and (n)(i). We affirm.

The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent was convicted of first-degree murder of his wife, the minor child's mother, and is currently serving a life sentence without the possibility of parole. During his incarceration, respondent will not be able to provide a nurturing and stable environment for the child. Although respondent argues that his conviction will be overturned on appeal, this Court has affirmed respondent's conviction.¹ But, even if some further appeal is successful and he receives his desired relief, respondent anticipates that he would be convicted of second-degree murder and remain in prison for at least another eight years. Thus, the trial court did not err in terminating respondent's parental rights to the child.

¹ *People v Christopher Walter Howard*, unpublished opinion per curiam of the Court of Appeals, issued January 25, 2005 (Docket No. 251017).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder