

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARKEL MATTOX and MYA
MATTOX, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
December 20, 2005

Petitioner-Appellee,

v

MARK ANTHONY MATOX,

Respondent-Appellant.

No. 262281
Wayne Circuit Court
Family Division
LC No. 04-430256-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(ii). We affirm.

The trial court did not clearly err in finding that 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). Further, the court did not clearly err in finding that termination was not clearly against the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Giving deference to the trial court's special opportunity to judge the credibility of the witnesses, MCR 2.613(C), we find that the evidence established that respondent had been sexually abusing one of his older children for a period of over six years and had threatened that child by placing a gun against her head. He also had whipped most of his children with a belt, leaving marks on at least one child. He had been convicted of being a felon in possession of several weapons.

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood