STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of STEVEN JAMES CORWIN, JR., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEVEN JAMES CORWIN, SR.,

Respondent-Appellant.

UNPUBLISHED
June 3, 2008

No. 282459
Charlevoix Circuit Court
Family Division
LC No. 06-005993-NA

Before: Davis, P.J., and Murray and Beckering, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent concedes that the statutory grounds for termination were established by clear and convincing evidence. He argues, instead, that the trial court clearly erred when it found that termination of respondent's parental rights was not clearly against the child's best interests. Specifically, respondent contends that the child was in a stable and permanent environment because he continued to reside with respondent's ex-wife. He claims that his parental rights should have remained intact in the same way they were intact for his older daughter from another marriage, who also continued to reside with her mother. He also argues that he had reengaged in counseling services, and his bond with the minor child was strong. Thus, for the above reasons, respondent claims that his parental rights should not have been terminated. We disagree.

If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). To be clearly erroneous, a decision "must be more than just maybe or

probably wrong." *Sours, supra*, 459 Mich at 633. Further, "regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C); *Miller, supra*, 433 Mich at 337.

The evidence demonstrated that respondent had not benefited from services and was not rehabilitated. The professional opinions clearly indicated that respondent had anger management issues, but respondent continued to deny the need for further services. Because respondent remained a physical and emotional threat to the child, termination was appropriate.

Respondent also argues that he is entitled to a new trial based on the fact that a witness perjured herself when she testified that respondent had threatened the child's mother. It is true that, had respondent threatened the child's mother, it would have been further evidence of his failure to control his anger. Still, there was enough other damaging testimony that the results of the trial would not have been different. The experts all agreed that respondent had a poor prognosis for improving his situation. He failed to take responsibility for his actions and did not benefit from services. The overwhelming evidence showed that, because of his uncontrolled anger issues, he was a threat to the child. Termination was inevitable, even without the perjured testimony.

Affirmed.

/s/ Alton T. Davis
/s/ Christopher M. Murray
/s/ Jane M. Beckering