

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of JOHN EDWIN DAWSON III,  
Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN E. DAWSON II,

Respondent-Appellant,

and

KIMBERLY GORDON,

Respondent.

---

UNPUBLISHED

November 18, 2008

No. 285349

St. Clair Circuit Court

Family Division

LC No. 07-000160-NA

Before: Murphy, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Respondent father appeals as of right an order that terminated his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (h), and (j). Because we conclude that there were no errors warranting relief, we affirm. This appeal has been decided without oral argument under MCR 7.214(E).

The trial court did not 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). Respondent father pleaded guilty to assault with intent to do great bodily harm less than murder and aiding and abetting unarmed robbery, his second and third felony convictions, and he was sentenced to five to ten years' imprisonment. His earliest release date was May 2010, more than two years from the date of the termination hearing. The child was left with the mother, who had many issues of her own that prevented adequate parenting. Respondent father did nothing to ensure the child's safety before being incarcerated. He did not establish a guardianship or provide financial support for the child. Even if respondent were a good father before being sent to prison, the fact remained that he was in no position to provide for the child for at least two years. Respondent father's continued criminal behavior also put the

child at risk of harm. Respondent father seemed unable to comport himself outside of a prison setting.

Having found the statutory grounds for termination established by clear and convincing evidence, the trial court was obligated to terminate respondent father's parental rights unless it appeared, on the whole record, that termination was clearly contrary to the child's best interests. MCL 712A.19b(5);<sup>1</sup> *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's criminal actions resulted in his separation from his child, which separation would continue for a significant period of time. The child was entitled to permanence and stability, and respondent father was not in a position to provide either. There was no error warranting relief.

Affirmed.

/s/ William B. Murphy  
/s/ David H. Sawyer  
/s/ Michael R. Smolenski

---

<sup>1</sup> We note that respondent father's parental rights were terminated before the effective date of the amendment of MCL 712A.19b(5). See 2008 PA 199.