

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICHOLAS BRIGGS and
BRIANNA BRIGGS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRIAN BRIGGS,

Respondent-Appellant.

UNPUBLISHED

June 16, 2009

No. 289539

Ingham Circuit Court

Family Division

LC Nos. 08-002125-NA

08-002126-NA

In the Matter of CODY BRIGGS, CHAMBER
LEAH BRIGGS, and BRYCE J. BRIGGS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRIAN BRIGGS,

Respondent-Appellant.

No. 289594

Ingham Circuit Court

Family Division

LC Nos. 08-002120-NA

08-002121-NA

08-002122-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

In these consolidated appeals, respondent appeals by right the circuit court's orders terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

Respondent does not dispute that the evidence, if believed, was sufficient to establish the statutory grounds for termination. He contends only that the circuit court should not have believed the children's testimony because of various inconsistencies. Two children testified that

they were subjected to physical abuse when respondent shot them and their siblings with an airsoft gun. They also testified that they were exposed to pornography in the home, witnessed sexual activity between respondent and his wife, and were forced to have intercourse with one another at respondent's direction. One child testified that respondent engaged in all manners of sexual activity with her, including repeated penetration of her vagina with his penis. A physician testified that the child's enlarged hymenal opening and elongated vagina were consistent with recurrent episodes of penile-vaginal intercourse. Indeed, the record is replete with reliable and corroborated evidence that respondent sexually assaulted at least one of the children and that he forced other children to engage in sexual activity with each other. Giving due regard to the circuit court's superior opportunity and ability to judge the credibility of the witnesses, *Sparling Plastic Industries, Inc v Sparling*, 229 Mich App 704, 716; 583 NW2d 232 (1998), we are not left with a definite and firm conviction that the court clearly erred by finding that respondent physically and sexually abused the children. *In re BZ*, 264 Mich App 286, 296-297; 690 NW2d 505 (2004).

Affirmed.

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Jane E. Markey