

STATE OF MICHIGAN  
COURT OF APPEALS

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PATRICIA LYNN SAND,

Plaintiff-Counter Defendant-Appellee,

v

JOSEPH THEODORE SAND,

Defendant-Counter Plaintiff-Appellant.

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UNPUBLISHED

July 23, 1999

No. 208322

Tuscola Circuit Court

LC No. 96-014996 DO

Before: Cavanagh, P.J., and Hoekstra and Gage, JJ.

PER CURIAM.

Defendant appeals as of right from the trial court's judgment of divorce. We affirm.

In his sole issue on appeal, defendant contends that the distribution of the marital estate was unfair and inequitable. The goal of the court in apportioning a marital estate is to reach an equitable distribution of property in light of all the circumstances. *Byington v Byington*, 224 Mich App 103, 114; 568 NW2d 141 (1997). No mathematical formula governs the distribution, and the division need not be equal as long as it is equitable. *Demman v Demman*, 195 Mich App 109, 114; 489 NW2d 161 (1992). In reviewing a dispositional ruling in a divorce case, this Court reviews the trial court's findings of fact for clear error. A finding is clearly erroneous if the appellate court is left with a definite and firm conviction that a mistake was made. If the trial court's findings are not clearly erroneous, the appellate court must then decide whether a dispositional ruling was fair and equitable in light of those facts. Dispositional rulings should be affirmed unless this Court is left with the firm conviction that the distribution was inequitable. *Sparks v Sparks*, 440 Mich 141, 151-152; 485 NW2d 893 (1992).

Defendant argues that the trial court inappropriately punished him for his past as a drug dealer. However, after carefully reviewing the record, we are not left with the firm conviction that the distribution was inequitable. See *id.* As the trial court noted, defendant forfeited any right to the marital home in Millington when he entered into the 1990 plea agreement with the federal government following his arrest on drug charges. While, with the exception of a few specified items, the court awarded to plaintiff the personal property in her possession, plaintiff testified that many of the objects sought by defendant had been sold, with his consent, during the period that defendant was incarcerated.

Defendant further contends that the trial court erred in failing to recognize the parties' indebtedness to defendant's brother.<sup>1</sup> Defendant asserts that responsibility for this debt should have been divided between plaintiff and defendant. However, the trial court doubted the veracity of the testimony provided by defendant and his brother. This Court gives special deference to a trial court's findings when they are based on the credibility of the witnesses. *Draggoo v Draggoo*, 223 Mich App 415, 429; 566 NW2d 642 (1997). Defendant has not shown that the trial court's findings with regard to the alleged debt to defendant's brother were clearly erroneous.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage

<sup>1</sup> Defendant also points out that the trial court erroneously stated that the parties were married on January 1, 1991, rather than January 1, 1990. This error, however, did not affect the trial court's disposition of the marital estate, and therefore reversal is not required.