

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of GOLO EDUARDO DeHERDER,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EDUARDO MALDONADO,

Respondent-Appellant.

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UNPUBLISHED

June 6, 2000

No. 221005

Wayne Circuit Court

Family Division

LC No. 97-360550

Before: Hoekstra, P.J., and Holbrook, Jr. and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating his parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent is incarcerated in Ohio for the murder of the child's mother. He is serving a 22-year to life sentence, and is not eligible for parole until 2011. A petition was filed when the child's relatives could not maintain custody due to psychological problems.

Respondent participated in these proceedings by telephone from prison in Mansfield, Ohio. At the preliminary hearing, an interpreter assisted respondent. At the permanent custody hearing, no interpreter was present. Respondent was represented by counsel, and no request for an interpreter was made.

On appeal, respondent argues that the trial court abused its discretion in failing to appoint an interpreter for the permanent custody hearing. We disagree.

Under MCL 775.19a; MSA 28.1256(1), if an accused person appears to the judge to be incapable of adequately understanding the charge or presenting a defense due to inability to speak or understand the English language, the judge shall appoint an interpreter. This Court reviews a trial

court's decision whether to appoint an interpreter for abuse of discretion. *People v Warren (After Remand)*, 200 Mich App 586, 591; 504 NW2d 907 (1993).

There is no showing that the court abused its discretion in failing to appoint an interpreter. Respondent answered questions appropriately, and did not exhibit any failure to understand the proceedings. Any difficulty in communication appears to be related to phone problems rather than inability to understand English. Where all the questions were answered appropriately, there is no showing that the court had any basis for appointing an interpreter for the permanent custody hearing.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra