

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICHOLAS ALLEN OWENS
and SHAIYAN MONAE MUDRY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTHONY LAMONT GIST,

Respondent-Appellant,

and

ROXANN FAE GIST,

Respondent.

UNPUBLISHED
November 20, 2003

No. 245754
Wayne Circuit Court
Family Division
LC No. 92-297845

Before: Cooper, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent Anthony Gist appeals as of right from a circuit court order terminating his parental rights to Shaiyan Mudry pursuant to MCL 712A.19b(3)(a)(ii), (g), (h), (j) and (k)(i). We affirm.

Respondent does not challenge the trial court's finding that it had jurisdiction over the child or that there was sufficient evidence to establish at least one statutory basis for termination. He contends only that the court erred in finding that termination was not contrary to the child's best interests. The evidence showed that respondent had been in and out of the child's life for nearly two of her four years due to incarceration. During the time he had custody of the child, respondent left her with others so he could use crack cocaine. Respondent was serving a lengthy prison sentence and, while he hoped to be paroled in 2003, his release was by no means certain. We find that the trial court did not clearly err in its determination of the best interests factor. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Jessica R. Cooper

/s/ Jane E. Markey

/s/ Patrick M. Meter