

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHA'DIMON GILLESPIE,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERIC LEE GILLESPIE,

Respondent-Appellant.

UNPUBLISHED
December 21, 2004

No. 255555
Mason Circuit Court
Family Division
LC No. 02-000108-NA

Before: Meter, P.J., and Wilder and Schuette.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence.¹ MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Despite respondent's argument to the contrary, the trial court properly considered respondent's incarceration in determining whether he failed to provide proper care and custody for Sha'Dimon and whether he would be able to do so within a reasonable time, considering the child's age. *In re Perry*, 193 Mich App 648, 649-651; 484 NW2d 768 (1992). Respondent had been absent for much of Sha'Dimon's young life and would be imprisoned for at least fifteen additional months following the termination hearing. He had a lengthy history of violent crime and had been imprisoned several times before his current incarceration.

¹ Because only one statutory ground is required to support termination of parental rights, we need not address respondent's arguments regarding the other statutory subsections.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Patrick M. Meter
/s/ Kurtis T. Wilder
/s/ Bill Schuette