

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DERRICK OMAR ERGANG,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RODERICK MCGUIRE,

Respondent-Appellant.

UNPUBLISHED

March 5, 2009

No. 288644

Grand Traverse Circuit Court

Family Division

LC No. 08-002319-NA

Before: Donofrio, P.J. and K.F. Kelly and Beckering, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), and (j). We affirm.

Although respondent argues that the trial court erred in finding that §§ 19b(3)(g) and (h) were each established by clear and convincing evidence, he does not challenge the trial court's determination that termination was also justified under § 19b(3)(j). Respondent's failure to address this issue, which must necessarily be reached to reverse the trial court, precludes appellate relief. *City of Riverview v Sibley Limestone*, 270 Mich App 627, 638; 716 NW2d 615 (2006); see also *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds by *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

Nevertheless, the trial court did not clearly err in finding that grounds for termination under §§ 19b(3)(g) and (h) were both established. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Respondent was convicted of first-degree felony-murder in 2005 and was serving a sentence of life imprisonment without parole. Although he had filed a petition for federal habeas corpus relief, there was no showing that he was likely to prevail and thus the trial court could properly find that respondent would remain in prison for at least the next two years. Even if respondent's appeal were decided in his favor within the next few months and he were immediately released, he would have to participate in services and demonstrate an ability to properly parent the child on a full-time basis before reunification could be considered and the evidence showed that he would not be able to do so within a reasonable time considering the child's age.

Affirmed.

/s/ Pat M. Donofrio
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering