

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 19, 2011

In the Matter of J. D. BRADSHAW, Minor.

No. 302439
Macomb Circuit Court
Family Division
LC No. 2010-000256-NA

Before: MURRAY, P.J., and FITZGERALD and RONAYNE KRAUSE, JJ.

MURRAY, P.J. (*concurring*).

I concur in the memorandum opinion affirming the trial court's order terminating respondent's parental rights. However, I write separately to point out my concern over the poor quality of brief submitted on behalf of respondent.

The brief filed on behalf of respondent is deficient in many significant ways. First, there are at least 27 typographical errors (along with other errors, like no docket number) contained in a brief comprising no more than nine pages (which includes the cover page and the last page, and that contains only the relief requested), there is no citation to a court rule supporting jurisdiction in this Court, the statement of facts contains no citation to the record in support of the one lone paragraph of facts (and that paragraph along with the argument is single-spaced, contrary to MCR 7.212(B)); instead, four citations to transcripts are contained in a list at the bottom of the page. Second, what facts there are tell us nothing about what this case is about, why it was brought, or the basis for terminating respondent's parental rights (contrary to MCR 7.212(C)(6)). And, although the actual argument (comprising only a page and a half) is filled with a recitation of the many different standards (one of which is no longer applicable) governing review of the termination of parental rights, as far as I can tell the only argument put forth by respondent is that the child was taken away from a "loving situation" yet respondent's right to his children were still terminated, and without receiving any assistance in improving the situation from the Department of Human Services. But there are no facts provided to us supporting either of these assertions (contrary to MCR 7.212(C)(7)) and, as the memorandum opinion makes clear, there is none in the record.

Counsel should not in the future file such a deficient brief with this Court. If there is no valid argument to assert on appeal counsel should file a motion with the Court seeking to withdraw and request that this Court affirm. See Internal Operating Procedure 7.211(C)(5)-1. But, absent such a motion, counsel must adhere to the court rule on briefs, MCR 7.212, and perhaps engage in some proof-reading before filing his brief.

Although the deficiencies in respondent's brief are overwhelming, it has not impacted the resolution of this case because our Court has done an independent review of the record and has received a brief from petitioner that adequately explains the circumstances surrounding termination of respondent's parental rights. Therefore, I join in affirming the trial court's order.

/s/ Christopher M. Murray