

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 11th day of February, 2011, the following order was made and entered:

On this day came the Court, on its own motion and proceeded to consider the proposed amendments to the Rules of Criminal Procedure, necessitated by the adoption of the Revised Rules of Appellate Procedure, previously published for comment. Upon consideration whereof, the Court is of opinion to and does hereby adopt said amendments, effective *nunc pro tunc* to December 1, 2010, with deletions indicated by strikethroughs and insertions indicated by underscoring, to read as follows:

VIII. APPEAL

Rule 37. Taking Appeal

(a) *How an appeal is taken* — (1) From a circuit court.— An appeal permitted by law from a circuit court to the Supreme Court of Appeals is taken by filing a notice of intent to appeal in the ~~circuit court~~ Office of the Clerk, West Virginia Supreme Court of Appeals within the time provided by paragraph (b)(1) of this rule. The notice of intent to appeal shall be filed and served in accordance with Rule 5 of the Rules of Appellate Procedure.

A True Copy

Attest:


Deputy Clerk, Supreme Court of Appeals