
**SUPREME COURT OF APPEALS OF WEST VIRGINIA
NOTICE OF APPEAL**

Use this form only for an appeal from a final judgment of a Circuit Court.

ATTACH COPIES OF ALL ORDERS BEING APPEALED

1. COMPLETE CASE TITLE AND CASE NUMBERS IN CIRCUIT COURT

(Include all party designations, such as plaintiff, intervenor, etc. Use an extra sheet if necessary.)

2. COUNTY APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

(If the presiding judge was appointed by special assignment, include an explanation of the circumstances on an extra sheet.)

3. PETITIONER(S) (List all parties who join in the petition for appeal and provide the name, firm name, address, phone number, and e-mail address of counsel of record for each party. Self-represented parties must provide an address and telephone number.)

4. RESPONDENT(S) (List all parties against whom the appeal is taken and provide the name, firm name, address, phone number, and e-mail address of counsel of record for each party. Self-represented parties must provide an address and telephone number.)

5. NON-PARTICIPANT(S) (List any parties to the lower court action that will not be involved in the appeal and provide the name, firm name, address, telephone number and e-mail address of counsel of record for each non-participant. Provide the name, address and telephone number of any self-represented litigant who was a party to the lower court action but is not participating in the appeal.)

SHORT CASE NAME: _____

6. Date of Entry of Judgment: _____ / _____ / _____

Date of Entry of Judgment on Post-Trial Motions, if any:

(1) _____ / _____ / _____ (2) _____ / _____ / _____ (3) _____ / _____ / _____

7. **CRIMINAL CASES:** Bail Status: _____
Defendant's Sentence: _____

8. **ABUSE AND NEGLECT CASES:** On an extra sheet, provide a list of the names, ages, and parent's names of all minor children, a brief description of the current status of the parental rights of each parent as of the filing of the notice of appeal, a description of the proposed permanent placement of each child, and the name of each guardian *ad litem* appointed in the case.

9. Is the order or judgment appealed a final decision on the merits as to all issues and all parties? YES / NO
If your answer is no, was the order or judgment entered pursuant to R. Civ. P. 54(b)? YES / NO
If your answer is no, you must attach a brief explanation as to why the order or judgment being appealed is proper for the Court to consider.

10. Has this case previously been appealed? YES / NO
If yes, provide the case name, docket number and disposition of each prior appeal.

11. Are there any related cases currently pending in the Supreme Court or in a lower tribunal? YES / NO
If yes, cite the case, provide the status, and provide a description of how it is related.

12. Is any part of the case confidential? YES / NO
If yes, identify which part and provide specific authority for confidentiality.

13. If an appealing party is a corporation, an extra sheet must list the names of parent corporations and the name of any public company that owns ten percent or more of the corporation's stock. If this section is not applicable to the appealing party, please so indicate below.

The corporation who is a party to this appeal does not have a parent corporation and no publicly held company owns ten percent or more of the corporation's stock.

SHORT CASE NAME: _____

14. Do you know of any reason why one or more of the Supreme Court Justices should be disqualified from this case?

- YES / NO If yes, set forth the basis on an extra sheet. Providing the information required in this section does not relieve a party from the obligation to file a motion for disqualification in accordance with Rule 33.
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15. Is a transcript of proceedings necessary for the Court to fairly consider the assignments of error in the case?

- YES / NO **If yes, you must complete the appellate transcript request form on page 5.**
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16. NATURE OF CASE, RELIEF SOUGHT, and OUTCOME BELOW

(Limit to two double-spaced pages; please attach.)

17. ASSIGNMENTS OF ERROR

Express the assignments in the terms and circumstances of the case, but without unnecessary detail. Separately number each assignment of error and for each assignment:

- (1) state the issue;
- (2) provide a succinct statement as to why the Court should review the issue.

Limit to eight pages double-spaced; please attach.

18. ATTACHMENTS

Attach to this notice of appeal the following documents in order:

- (1) extra sheets containing supplemental information in response to sections 1 - 14 of this form;
- (2) a double-spaced statement of the nature of the case, not to exceed two pages, as material required by section 16 of this form;
- (3) a double-spaced statement of the assignments of error not to exceed eight pages as required by section 17 of this form;
- (4) a copy of the lower court's decision or order from which you are appealing;
- (5) a copy of any order deciding a timely post-trial motion; and
- (6) a copy of any order extending the time period for appeal.
- (7) the statutory docket fee of \$200 payable by cash, money order, or check or a copy of the lower court's granting of the application for fee waiver in this case. All checks must be made to the order of the State of West Virginia. The statutory docket fee does not apply to criminal appeals, appeals from the Worker's Compensation Board of Review, or original jurisdiction actions.

NOTICE:

You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.

SHORT CASE NAME: _____

CERTIFICATIONS

STATE OF WEST VIRGINIA

I hereby certify that I have performed a review of the case that is reasonable under the circumstances and that the contents of the Notice of Appeal are accurate and complete.

_____/_____/_____
Date

Counsel of record or unrepresented party

I hereby certify that on or before the date below, copies of this notice of appeal and attachments were served on all parties to the case, and copies were provided to the clerk of the circuit court from which the appeal is taken and to each court reporter from whom a transcript is requested.

_____/_____/_____
Date

Counsel of record or unrepresented party

SHORT CASE NAME: _____

**SUPREME COURT OF APPEALS OF WEST VIRGINIA
APPELLATE TRANSCRIPT REQUEST FORM**

INSTRUCTIONS

- (1) If a transcript is necessary for your appeal, you must complete this form and make appropriate financial arrangements with each court reporter from whom a transcript is requested.
- (2) Specify each portion of the proceedings that must be transcribed for purposes of appeal. See Rule of Appellate Procedure 9(a).
- (3) A separate request form must be completed for each court reporter from whom a transcript is requested. If you are unsure of the court reporter(s) involved, contact the circuit clerk's office for that information.
- (4) Failure to make timely and satisfactory arrangements for transcript production, including necessary financial arrangements, may result in denial of motions for extension of the appeal period, or may result in dismissal of the appeal for failure to prosecute.

Name of Court Reporter, ERO, or Typist: _____

Address of Court Reporter: _____

Civil Action No.: _____ **County:** _____

Date of Final Order: ____ / ____ / ____

Date of Proceeding	Type of Proceeding	Length of Proceeding	Name of Judge(s)	Portions Previously Prepared
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CERTIFICATIONS

I hereby certify that the transcripts requested herein are necessary for a fair consideration of the issues set forth in the Notice of Appeal.

I hereby further certify that I have contacted the court reporter and satisfactory financial arrangements for payment of the transcript have been made as follows:

- Private funds. (Deposit of \$ _____ enclosed with court reporter's copy. Attach documentation.)
- Criminal or habeas corpus appeal with fee waiver (Attach order appointing counsel or order providing fee waiver eligibility.)
- Abuse and neglect or delinquency appeal with fee waiver (Attach order appointing counsel.)
- Advance payment waived by court reporter (Attach documentation.)

Date mailed to court reporter

Counsel of record or unrepresented party