

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 6<sup>th</sup> of April, 2016, the following order was made and entered:

State of West Virginia,  
Plaintiff Below, Respondent

vs.) No. 15-0933

Brian Daniel Hayslett,  
Defendant Below, Petitioner

RULE TO SHOW CAUSE

On this day came the Court, on its own motion, and proceeded to consider sanctions for the failure of petitioner's counsel, David L. White, Esq., to perfect the appeal in this matter.

Pursuant to the Court's amended scheduling order entered on November 17, 2015, the deadline for perfecting the appeal was February 29, 2016. The appeal was not perfected by the deadline.

On March 4, 2016, the Court issued a Notice of Intent to Sanction directing counsel to perfect the appeal within ten days of receipt of the order, and show good cause as to why the appeal was not timely perfected, or counsel for the petitioner would be subject to sanctions. The Notice of Intent to Sanction, which was sent by certified mail to Mr. White, was returned to the Court as "unclaimed." On March 21, 2016, Mr. White personally received a copy of the Notice of Intent to Sanction from the Clerk's Office. Therefore, pursuant to the Notice of Intent to Sanction, counsel should have perfected the appeal on or before March 31, 2016, in order to avoid being subject to sanctions.

However, instead of perfecting the appeal as directed, counsel for the petitioner filed a response to the Notice of Intent to Sanction and a request for relief on April 1, 2016, which requested that the Court not impose sanctions and allow counsel to perfect the appeal later that same day. To date, the appeal has not been perfected.

Therefore, upon consideration, the Court is of the opinion that a rule to show cause in contempt should be issued herein. It is therefore ordered that a rule to show cause in contempt is hereby directed against David L. White, Esq., returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, at ten o'clock a.m., on Wednesday, April 20, 2016, commanding and directing counsel to show cause, if any he can, as to why he should not be held in contempt of Court, unless sooner mooted by the filing of a petitioner's brief and an appendix that fully comply with the Rules of Appellate Procedure.

Service of an attested copy of this order shall constitute sufficient notice of the contents herein.

A True Copy

Attest: //s// Rory L. Perry II  
Clerk of Court

