

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on July 15, 2021, the following order was made and entered **in vacation**:

State of West Virginia,  
Plaintiff Below, Respondent

vs.) No. 21-0173

Jamie Carson Hicks,  
Defendant Below, Petitioner

**RULE TO SHOW CAUSE**

On this day came the Court, on its own motion, and proceeded to consider sanctions against Marc A. Moore, counsel for the petitioner, for his failure to properly perfect the appeal and comply with orders of this Court.

On March 4, 2021, Mr. Moore filed a notice of appeal from a February 2, 2021, order of the Circuit Court of Roane County. By scheduling order entered on March 19, 2021, counsel was directed to perfect the appeal on or before June 2, 2021. When the appeal was not perfected as ordered, this Court entered a Notice of Intent to Sanction on June 4, 2021, directing counsel to perfect the appeal on or before June 17, 2021, and to show good cause as to why the appeal was not timely perfected, or he would be subject to sanctions. To date, Mr. Moore has not perfected the appeal, nor has he responded to this Court's order.

Upon consideration, the Court is of opinion that a rule in contempt should be awarded herein. It is ORDERED that a rule does issue directed against counsel for the petitioner and the respondent herein, Marc A. Moore, Esq., returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, on Tuesday, September 14, 2021, commanding and directing the said respondent to show cause, if any he can, why he should not be held in contempt of this Court for failure to perfect the appeal in the above-captioned matter, unless sooner mooted by perfecting the appeal with the filing of a petitioner's brief and appendix that fully comply with the Rules of Appellate Procedure.

The Court directs the Clerk of Court to refer the actions of Marc A. Moore, Esq. in failing to perfect the appeal, to the Office of Disciplinary Counsel.

It is further ordered that a copy of this order be sent to the Honorable Anita Harold Ashley, Judge. It is finally ordered that Marc A. Moore, Esq. shall provide a copy of this order to his client within ten days of receipt of this order.

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

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

