

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on June 28, 2023, the following order was made and entered **in vacation**:

State of West Virginia,
Plaintiff Below, Respondent

vs.) No. 22-0096

Randall Lewis Utt,
Defendant Below, Petitioner

Lauren Brown
Official Court Reporter
Respondent for Contempt Proceeding

RULE TO SHOW CAUSE IN CONTEMPT

On April 28, 2023, the Court entered an order remanding this case to the Circuit Court of Barbour County for the circuit court to determine the availability of a requested transcript that had not yet been prepared and filed. The requested transcript is for the portion of the petitioner's criminal trial held on October 8, 2020. On May 24, 2023, the circuit court entered an order determining that the audio recording for the October 8, 2020, portion of the petitioner's criminal trial is available and ordered that the transcript be transcribed forthwith.

On June 9, 2023, the Court entered an amended scheduling order directing the petitioner, Randall Lewis Utt, by counsel, William S. Adams, Adams Legal Group, PLLC, to perfect the appeal on or before June 30, 2023. On June 22, 2023, the petitioner presented to the Court a motion for enlargement of time to perfect the appeal because the October 8, 2020, transcript had not yet been prepared and filed by the respondent court reporter. On June 26, 2023, the clerk of the Circuit Court of Barbour County informed the clerk of this Court that the transcript has still not been prepared and filed as ordered.

Upon consideration and review, the Court grants the petitioner's motion for enlargement of time. The deadlines in this matter are extended until further order of the Court.

Due to her failure to prepare the transcript as directed by this Court and the Circuit Court of Barbour County, it is ordered that a rule to show cause in contempt does issue against official court reporter Lauren Brown commanding her to appear and directing her to show cause, if any she can, as to why sanction, should not be imposed on her. This rule to show cause in contempt is returnable before the Supreme Court of Appeals of West Virginia at its courtroom in the City of Charleston, County of Kanawha, at 1:50, p.m., on Wednesday, September 6, 2023, unless sooner mooted.

The rule to show cause may be rendered moot by Lauren Brown certifying and filing the transcripts ordered prepared in this action on or before September 5, 2023. The Certificate of Completion should be filed with the Office of the Clerk of the Supreme Court of Appeals of West Virginia.

Service of a copy of this order upon the official court reporter, Lauren Brown, shall have the same effect as the service of a formal writ.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

