

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on May 12, 2023, the following order was made and entered.

SCA EFiled: May 12 2023  
11:22AM EDT  
Transaction ID 70004024

State of West Virginia,  
Plaintiff Below, Respondent

vs.) No. 22-596

Freddy D. Bostic, Jr.,  
Defendant Below, Petitioner

### **RULE TO SHOW CAUSE IN CONTEMPT**

On January 17, 2023, by order entered in the Circuit Court of Fayette County, Case No. CC-10-2019-F-161, Michael E. Froble was appointed as counsel for the petitioner. The Court entered an amended scheduling order on February 7, 2023, extending the deadline to perfect the appeal to March 10, 2023. The appeal was not perfected. The Court issued a Notice of Intent to Sanction on March 17, 2023, directing counsel Michael E. Froble to perfect the appeal on or before April 4, 2023, or be subject to sanctions. To date, the appeal has not been perfected.

Upon review and consideration by the Court on May 11, 2023, the Court is of the opinion that a rule to show cause in contempt should be awarded. It is ORDERED that a rule does issue directed against Michael E. Froble, counsel for the petitioner and respondent to the rule to show cause, returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, on Wednesday, September 6, 2023, commanding and directing him to show cause, if any he can, why he should not be held in contempt of this Court for failure to perfect the appeal, 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 Clerk of Court will, on a later date, provide counsel with a Notice of Argument under Rule 19(b) containing further information on the time of argument.

The Court directs the Clerk of Court to refer the actions of Michael E. Froble in failing to perfect the appeal, or otherwise respond to orders of this Court, to the Office of Lawyer Disciplinary Counsel.

It is further ORDERED that a copy of this order be sent to the Honorable Paul M. Blake, Jr., Chief Judge of the Twelfth Judicial Circuit.

It is finally ORDERED that Michael E. Froble shall provide a copy of this order to his client within ten days of the date of this order.

Justice Wooton did not participate in the consideration or decision of this matter.

Service of an attested copy of this order constitutes sufficient notice of the contents.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

