

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 Filed: May 12 2023
11:26 AM EDT
Transaction ID 70004089

In re A.B. and J.S.

No. 23-140

RULE TO SHOW CAUSE IN CONTEMPT

On March 10, 2023, the petitioner A.S., by counsel Benjamin Freeman, Freeman Law Offices, filed a notice of appeal from a February 28, 2023, order of the Circuit Court of Kanawha County (Case Nos. 21-JA-625 and 21-JA-626). Counsel for the petitioner requested that transcripts be produced for purposes of appeal but he did not submit an appellate transcript request form. The Court's March 10, 2023, scheduling order directed counsel to submit a signed and complete appellate transcript request form on or before March 24, 2023. The scheduling order further set the deadline for perfecting the appeal as May 1, 2023. No appellate transcript request form was filed and the appeal has not been perfected.

On May 2, 2023, the guardian ad litem Sharon K. Childers, filed a motion to dismiss appeal. Counsel for the petitioner did not file a response to the motion.

Upon review and consideration on May 11, 2023, of the motion to dismiss, and Benjamin Freeman's failure to comply with orders of this Court, 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 Benjamin Freeman, Esq., 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.

It is further ORDERED that the guardian ad litem's motion to dismiss the appeal is refused.

The Court directs the Clerk of Court to refer the actions of Benjamin Freeman 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 Tera L. Salango, Chief Judge of the Thirteenth Judicial Circuit.

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

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

