

# STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 18, 2024, the following order was made and entered.

SCA EFiled: Jan 18 2024  
02:43PM EST  
Transaction ID 71829467

State of West Virginia,  
Plaintiff Below, Respondent

vs.) No. 23-399

Anthony Paletti,  
Defendant Below, Petitioner

Jonathan Fittro, Esq.  
Respondent to the Rule to Show Cause

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

On January 17, 2024, the Court proceeded to consider sanctions for the failure of petitioner's counsel, Jonathan Fittro, Esq., to perfect the appeal in this matter.

On July 5, 2023, Jonathan Fittro filed a notice of appeal from a June 5, 2023, order of the Circuit Court of Braxton County. As set forth in the scheduling order entered on July 12, 2023, the deadline to perfect the appeal was October 5, 2023. When the appeal was not perfected, a Notice of Intent to Sanction was entered on October 25, 2023, directing counsel to perfect the appeal on or before November 8, 2023, or be subject to sanctions. To date, the appeal has not been perfected.

Upon consideration, 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 Jonathan Fittro, 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 **Tuesday, February 20, 2024, at 11:30 a.m.** 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 Jonathan Fittro 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 Richard A. Facemire, Judge of the Fourteenth Judicial Circuit.

It is finally ordered that Jonathan Fitro 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/ C. Casey Forbes  
Clerk of Court

