

STATE OF WEST VIRGINIA

On June 25, 2025, the Supreme Court of Appeals of West Virginia made and entered the following order:

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State of West Virginia,
Plaintiff Below, Respondent

v.) No. 24-145 (Harrison County No. CC-17-2022-F-185)

Augustus Calvin Gray,
Defendant Below, Petitioner

RULE TO SHOW CAUSE IN CONTEMPT

On June 27, 2024, the Circuit Court of Harrison County appointed Ira A. Richardson, III, Esq., as counsel for the petitioner, Augustus Calvin Gray, in this matter. On October 21, 2024, the Court entered an order acknowledging the appointment of Ira A. Richardson, III, Esq., as counsel for the petitioner. The Court substituted Ira A. Richardson, III, Esq., as the petitioner's counsel on the Court's electronic filing system so that counsel may access the filings in the petitioner's appeal.

On January 10, 2025, the Court entered an amended scheduling order extending the deadline for the petitioner to perfect the appeal to January 17, 2025. On January 17, 2025, the petitioner submitted a petitioner's brief, together with an appendix record not in compliance with the West Virginia Rules of Appellate Procedure. The appeal was not timely perfected.

On April 18, 2025, the Court entered a notice of intent to sanction the petitioner's counsel, Ira A. Richardson, III, Esq., for failure to perfect the petitioner's appeal. The notice of intent to sanction directed counsel for the petitioner to perfect the appeal on or before May 1, 2025, or counsel for the petitioner, Ira A. Richardson, III, Esq., would be subject to sanctions.

On May 16, 2025, the respondent State of West Virginia, by counsel Michele Duncan Bishop, Senior Assistant Attorney General, presented a motion to dismiss the petitioner's appeal for failure to perfect the appeal.

To date, this appeal has not been perfected.

Upon consideration, the Court is of opinion that a rule in contempt should be awarded. It is ORDERED that a rule does issue directed against counsel for the petitioner and the respondent herein, Ira A. Richardson, III, Esq., returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, on Tuesday, September 16, 2025, 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 Clerk of Court will, on a later date, provide the respondent herein, Ira A. Richardson, III, Esq., with a Notice of Argument pursuant to Rule 19(b), Rules of Appellate Procedure containing the time of oral argument.

The Court directs the Clerk of Court to refer the actions of Ira A. Richardson, III, 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 Andy McMunn, Judge. It is finally ordered that Ira A. Richardson, III, Esq., shall provide a copy of this order to his client within ten days of receipt of this order.

The respondent's motion to dismiss the petitioner's appeal remains pending at this time. Counsel of record will be notified in writing of any ruling on the motions.

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

