

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

M.M.,
Petitioner Below, Petitioner

v.) No. 24-501 (Wood County CC-54-2024-S-AP-4)

W.A.,
Respondent Below, Respondent

MEMORANDUM DECISION

Petitioner M.M. appeals the July 24, 2024, order of the Circuit Court of Wood County denying his appeal and affirming the magistrate court’s order denying the petitioner’s petition for a personal safety order and terminating a temporary personal safety order.¹ The petitioner asserts that the circuit court erred in “granting default judgment” without giving him notice or an opportunity to be heard. Upon our review, finding no substantial question of law and no prejudicial error, we determine that oral argument is unnecessary and that a memorandum decision affirming the circuit court’s order is appropriate. *See* W. Va. R. App. P. 21(c).

On May 20, 2024, the petitioner filed a petition for a personal safety order in magistrate court pursuant to West Virginia Code § 53-8-4, alleging that the respondent had harassed and made threats of bodily injury against the petitioner. The magistrate granted the petitioner a temporary personal safety order and scheduled a final hearing on the matter. Following the final hearing, the magistrate denied the petitioner’s petition for a personal safety order and terminated the temporary personal safety order, finding that the petitioner failed to present any evidence of threats of physical violence or harassment.

Subsequently, the petitioner appealed the magistrate’s order to the Circuit Court of Wood County, which scheduled a hearing on the matter for July 11, 2024. On the day of the hearing, there was insufficient time for the parties to address the issue, and, as such, the circuit court announced in open court, with all parties present, that the hearing would be continued to July 24, 2024. However, the petitioner failed to appear at the July 24, 2024, hearing, and, accordingly, the circuit court denied his appeal and affirmed the magistrate’s order denying the petitioner’s petition for a personal safety order and terminating the temporary personal safety order. The petitioner now appeals.

¹ Both parties are self-represented. Because West Virginia Code § 53-8-2(a) provides that case records in matters regarding personal safety orders are confidential, we will use initials where necessary to protect the identity of the parties in this case. *See* W. Va. R. App. P. 40(e).

We apply the following standard of review in this matter:

In reviewing challenges to the findings and conclusions of the circuit court, we apply a two-prong deferential standard of review. We review the final order and the ultimate disposition under an abuse of discretion standard, and we review the circuit court's underlying factual findings under a clearly erroneous standard. Questions of law are subject to a *de novo* review.

Syl. Pt. 2, *Walker v. W. Virginia Ethics Comm'n*, 201 W. Va. 108, 492 S.E.2d 167 (1997).

On appeal, the petitioner lists one assignment of error claiming that the circuit court erred in “granting default judgment” without providing him with adequate notice or an opportunity to be heard. However, while the petitioner included an “argument” heading in his brief on appeal, he failed to provide any argument beneath that heading, failed to cite to any legal authority, and failed to cite to the appendix record in support of his appeal. Accordingly, we refuse to address the petitioner's unsupported claim that the circuit court erred in denying his appeal. *See State v. LaRock*, 196 W. Va. 294, 302, 470 S.E.2d 613, 621 (1996) (“Although we liberally construe briefs in determining issues presented for review, issues which are not raised, and those mentioned only in passing but [which] are not supported with pertinent authority, are not considered on appeal.”). *See also* W. Va. R. App. P. 10(c)(7) (requiring that petitioner's brief include argument supported by citations to authority relied on and facts in the record on appeal and cautioning that Court may disregard errors that are not properly supported). Absent an assignment of error to address, this Court is left without reason to review the circuit court's order for irregularity. As we have explained, “[t]here is a presumption of regularity of court proceedings that remains until the contrary appears, and the burden is on the person who alleges such irregularity to show it affirmatively.” Syl. Pt. 2, in part, *State v. J.S.*, 233 W. Va. 198, 757 S.E.2d 622 (2014) (quoting Syl., in part, *State ex rel. Smith v. Boles*, 150 W. Va. 1, 146 S.E.2d 585 (1965)). Because the petitioner has failed to establish any error in the proceedings below, we must affirm the circuit court's order.

For the foregoing reasons, we affirm.

Affirmed.

ISSUED: September 10, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton
Justice C. Haley Bunn
Justice Charles S. Trump IV
Justice Thomas H. Ewing
Senior Status Justice John A. Hutchison