

**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. 24-507** (Wood County CC-54-2024-S-AP-6)

**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 leaving the magistrate court's order granting the respondent's petition for a personal safety order in effect.<sup>1</sup> 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 respondent filed a petition for a personal safety order in magistrate court pursuant to West Virginia Code § 53-8-4, alleging that the petitioner had harassed and made threats of bodily injury against the respondent. The magistrate granted the respondent a temporary personal safety order and scheduled a final hearing on the matter. Following the final hearing, the magistrate granted the respondent's petition for a personal safety order, finding that the petitioner engaged in conduct directed at the respondent which caused her extreme emotional distress and fear for her safety.

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 left the magistrate's order granting the respondent's petition for a personal safety order in effect. The petitioner now appeals.

We apply the following standard of review in this matter:

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<sup>1</sup> 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).

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 address 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