

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

FILED

August 27, 2026

**KRISTINA HAMILTON,
Defendant Below, Petitioner**

ASHLEY N. DEEM, CHIEF DEPUTY CLERK
INTERMEDIATE COURT OF APPEALS
OF WEST VIRGINIA

v.) No. 25-ICA-452 (Cir. Ct. of Kanawha Cnty. Case No. CC-20-2024-C-AP-156)

**CLIFTON TRAVIS JOINER,
Plaintiff Below, Respondent**

MEMORANDUM DECISION

Petitioner Kristina Hamilton¹ appeals from the status hearing order entered by the Circuit Court of Kanawha County on August 18, 2025. That order addressed Ms. Hamilton's progress complying with the court's final judgment order entered on April 17, 2025, following a bench trial de novo in a magistrate court appeal. Respondent Clifton Travis Joiner did not participate in this appeal.²

This Court has jurisdiction over this appeal pursuant to West Virginia Code § 51-11-4 (2024). After considering the parties' arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the circuit court's order is appropriate under Rule 21 of the West Virginia Rules of Appellate Procedure.

Based on the limited record, the relevant facts are as follows. Mr. Joiner filed a civil action in magistrate court against Kristina Hamilton, Edward Hamilton, and WV Adventure Repair LLC ("Adventure"). The Hamiltons are listed as members of Adventure. According to Mr. Joiner's complaint, Mr. Hamilton offered to repair the clutch on his vehicle, and Mr. Joiner entered into a contract with Adventure for the repair work. Mr. Hamilton informed Mr. Joiner that, because the vehicle's registration had expired, it would

¹ Ms. Hamilton's notice of appeal also listed two additional defendants subject to the circuit court's judgment: Edward Hamilton and WV Adventure Repair LLC. However, Mr. Hamilton did not sign the notice of appeal, and neither he nor WV Adventure Repair LLC is represented by counsel in this appeal. Ms. Hamilton's signature is the only one appearing on the notice of appeal and on the appellate brief. She was also the only defendant who appealed the magistrate court's ruling. Accordingly, she is the only petitioner properly before this Court.

² Ms. Hamilton is self-represented.

need to pass inspection before any repairs could begin. Mr. Hamilton volunteered to handle the inspection but stated that, to do so, Mr. Joiner would need to sign the vehicle's title over to him. Mr. Hamilton allegedly promised that ownership would be returned once the repairs were completed and paid for in full. Mr. Joiner further alleged that after he paid for the agreed-upon repairs, the Hamiltons did not return the vehicle. Instead, they made repeated excuses regarding its unavailability before eventually admitting that they had sold it, asserting that the sale was necessary to satisfy Mr. Joiner's outstanding bill under the written contract.

On October 24, 2024, the magistrate court entered judgment in favor of Mr. Joiner and against the Hamiltons and Adventure in the amount of \$9,430, plus costs and interest. On November 12, 2024, Ms. Hamilton appealed the ruling to the circuit court. Mr. Hamilton did not join in her appeal, and nothing in the record indicates the appearance of counsel to appeal on behalf of Adventure.

The circuit court conducted a bench trial de novo on April 11, 2025, and later memorialized the hearing in an order entered April 17, 2025. The order states that Mr. Joiner and the Hamiltons were self-represented.³ Nothing in the record shows that counsel appeared for Adventure. The order further reflects that Mr. Joiner testified he paid approximately \$5,400 for repairs to the vehicle. Mr. Hamilton disputed that amount but stated he was willing to pay Mr. Joiner \$4,900 and could pay the full amount within a couple of months. He also stated that Adventure was no longer active and no longer maintained an effective insurance policy. Ms. Hamilton testified that the parties' contract was lost after being damaged by water. The circuit court thereafter modified the magistrate court's judgment and awarded Mr. Joiner \$5,400 against the Hamiltons and Adventure, ordering that the judgment be paid in full by August 11, 2025. The April 17, 2025, decision was not appealed.

After no payments were made, the record reflects that the circuit court, on its own motion, entered an order on August 6, 2025, scheduling a status hearing for August 15, 2025. That hearing was memorialized in the August 18, 2025, order now on appeal. In its order, the court noted that it had previously entered a final judgment in April 2025 with an August 2025 deadline for payment. The court further noted that Ms. Hamilton provided an explanation for the lack of payments and testified that she would attempt to satisfy the judgment as soon as possible. The court again ordered that its prior judgment, plus interest, remained in full force and effect against the Hamiltons and Adventure. The court then scheduled a second status hearing for October 2025. Ms. Hamilton's appeal followed.

In this appeal, we apply the following standard of review:

³ Although Mr. Hamilton did not join in Ms. Hamilton's notice of appeal to circuit court or file his own notice of appeal, the record reflects that he participated in the circuit court proceeding as a party.

In reviewing challenges to the findings and conclusions of the circuit court made after a bench trial, a two-pronged deferential standard of review is applied. The final order and the ultimate disposition are reviewed under an abuse of discretion standard, and the circuit court's underlying factual findings are reviewed under a clearly erroneous standard. Questions of law are subject to a *de novo* review.

Syl. Pt. 1, *Pub. Citizen, Inc. v. First Nat'l Bank in Fairmont*, 198 W. Va. 329, 480 S.E.2d 538 (1996).

On appeal, Ms. Hamilton argues that the circuit court erred by imposing personal liability against herself and Mr. Hamilton for the obligations of Adventure in violation of West Virginia Code § 31B-3-303 (2022), and that the court erroneously pierced the corporate veil of Adventure without first making supporting findings of fact and conclusions of law required by law. We find no merit in her arguments.

First, Mr. Hamilton is not a party to this appeal and arguments on his behalf will not be considered. Second, Ms. Hamilton's arguments challenge rulings contained in the circuit court's April 17, 2025, order, which is the final ruling on the merits of the case. *See* W. Va. Code § 58-5-1 (2022); Syl. Pt. 3, in part, *James M.B. v. Carolyn M.*, 193 W. Va. 289, 456 S.E.2d 16 (1995) ("A case is final only when it terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined."). Critically, that order was not appealed and is now final. Therefore, her challenges are not properly before this Court. Conversely, the order presently on appeal does not reflect a final order; rather, it is a status hearing order directed to the court's efforts to enforce its judgment. Nothing in the August 2025 order alters or amends the circuit court's original judgment. Further, the status hearing was set by the court *sua sponte* and not pursuant to any post-judgment motion filed by Ms. Hamilton.

Finally, even if the order on appeal represented a final order, we conclude that Ms. Hamilton would not be entitled to relief. Pointedly, our review is hampered by her failure to include within the appendix relevant documentation from the proceedings below. Rule 7(d) of the West Virginia Rules of Appellate Procedure requires that a petitioner "shall prepare and file an appendix containing," among other items, "the judgment or order appealed from, and all other orders applicable to the assignments of error on appeal," "material excerpts from official transcripts of testimony or from documents in connection with a motion," and "other parts of the record necessary for consideration of the appeal." (citation modified).

This requirement is expounded upon in Rule 10(c)(7) of the West Virginia Rules of Appellate Procedure, which requires that "the argument must contain appropriate and specific citations to the record on appeal, including citations that pinpoint when and how the issues in the assignments of error were presented to the lower tribunal." (citation

modified). This rule further provides that this Court “may disregard errors that are not adequately supported by specific references to the record on appeal.” *Id.* Moreover, the appellate rules apply equally to both represented and self-represented parties. *See State v. Gibson*, No. 23-556, 2025 WL 3287585, at *2 (W. Va. Nov. 25, 2025) (memorandum decision) (reiterating that self-represented petitioners must comply with Rule 10(c)(7)).

It is well established that on appeal, error is never presumed, and a petitioner carries the burden of affirmatively establishing the error upon which they complain through the record. *See* Syl. Pt. 5, *Morgan v. Price*, 151 W. Va. 158, 150 S.E.2d 897 (1966). Further, an appellate court “will not consider an error which is not properly preserved in the record nor apparent on the face of the record.” Syl. Pt. 4, *State v. Browning*, 199 W. Va. 417, 485 S.E.2d 1 (1997).

Here, Ms. Hamilton failed to include relevant documents from the circuit court proceeding, failed to adequately brief her assignments of error, and failed to cite to the record to show how and when the issues raised in those assignments were presented to the circuit court.⁴ Based on the limited record before us, we find that Ms. Hamilton has failed to provide this Court with a record affirmatively showing error below. *See Smith v. Ball*, No. 24-ICA-26, 2024 WL 5003294, at *4 (W. Va. Ct. App. Dec. 6, 2024) (memorandum decision) (citation modified) (“Indeed, courts should strive to ensure that the diligent self-represented party does not forfeit any substantial rights by inadvertent omission or mistake. However, ultimately, the self-represented litigant must bear the responsibility and accept the consequences of any mistakes and errors.”); *Haske v. Judge*, No. 23-ICA-50, 2024 WL 794601, at *3 (W. Va. Ct. App. Feb. 27, 2024) (memorandum decision) (affirming circuit court’s order and finding self-represented petitioner failed to preserve objections below for appellate review).

We conclude that Ms. Hamilton has not established any basis for relief. Therefore, we find no abuse of discretion or clear error by the circuit court.

Accordingly, we affirm.

Affirmed.

ISSUED: August 27, 2026

⁴ For example, Ms. Hamilton did not include a transcript of the circuit court proceedings in her appendix. A transcript is not only integral to this Court’s review of the proceedings below; it is also a necessary component of the appendix to establish the evidence considered by the circuit court, as well as any arguments or objections asserted by her.

CONCURRED IN BY:

Chief Judge Daniel W. Greear
Judge Charles O. Lorensen
Judge S. Ryan White