FILED
November 5, 2026
C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

J.S.,
Petitioner Below, Petitioner

v.) No. 25-297 (Raleigh County CC-41-2024-S-AP-10)

G.V.,
Respondent Below, Respondent

MEMORANDUM DECISION

Petitioner J.S. appeals the March 18, 2025, order of the Circuit Court of Raleigh County affirming the magistrate court's order denying his petition for a personal safety order against Respondent G.V. and terminating a temporary personal safety order.[1] 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).

The petitioner filed a petition for a personal safety order in the Magistrate Court of Raleigh County pursuant to West Virginia Code § 53-8-4, alleging that the respondent had harassed and made threats of bodily injury against him. On September 23, 2024, the magistrate granted the petitioner a temporary personal safety order and scheduled a final hearing on the matter. The magistrate ultimately denied the petition for a personal safety order and terminated the temporary personal safety order by order dated November 7, 2024. The magistrate concluded that "[t]he petitioner failed to prove, by a preponderance of the evidence, the allegations of acts or offenses committed by the respondent, as defined in West Virginia Code § 53-8-1, et. seq." and further that the petitioner "is not a victim of sexual offenses, harassment, or repeated credible threats of bodily injury[.]"

The petitioner appealed the magistrate court order to the Circuit Court of Raleigh County and the circuit court conducted a hearing on March 11, 2025. The circuit court ultimately affirmed the magistrate's order that denied the petition for a personal safety order and terminated the temporary personal safety order. The circuit court found that any bona fide evidence was at least seven years old, no new evidence was presented to the court, and the respondent was not engaged in any action that warranted the entry of a protective order. The petitioner appeals.

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[1] Petitioner J.S. is self-represented. Respondent G.V. is represented by John D. (Jody) Wooton Jr. Because this appeal involves the issuance of a personal safety order, this case record is confidential pursuant to West Virginia Code § 53-8-2(a), and we use initials where necessary to protect the identity of the parties to this case. *See* W. Va. R. App. P. 40(e).

We apply a two-prong deferential standard of review in reviewing challenges to the findings and fact and conclusions of law of the circuit court. "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, in part, *Walker v. W. Va. Ethics Comm'n*, 201 W. Va. 108, 492 S.E.2d 167 (1997).

In accordance with West Virginia Rule of Appellate Procedure 10(c)(7), an appellate brief must

> contain an argument clearly exhibiting the points of fact and law presented, the standard of review applicable, and citing the authorities relied on, under headings that correspond with the assignments of error. 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. The Intermediate Court and the Supreme Court may disregard errors that are not adequately supported by specific references to the record on appeal.

While the petitioner's brief contains assignments of error and a section entitled "Legal Basis for Reversal," the petitioner fails to cite to the appendix record to pinpoint when and how the assignments of error were presented to the lower tribunal. Further, the petitioner's alleged assignments of error are not supported with pertinent authority. Thus, we decline to consider the issues raised in this 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."). As this Court has 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 meet his burden to establish error in the proceedings below, we affirm the circuit court's March 18, 2025, order.

Affirmed.

ISSUED: November 5, 2026

CONCURRED IN BY:

Chief Justice C. Haley Bunn
Justice Charles S. Trump IV
Justice H. L. Kirkpatrick
Justice James W. Flanigan

DISQUALIFIED:

Justice William R. Wooton