WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4005

BY DELEGATES, SHOTT, MILLER, C., HANSHAW, LANE,

ZATEZALO, ELLINGTON, SOBONYA, DEEM, CAPITO, C.

ROMINE, AND MR. SPEAKER (MR. ARMSTEAD)

[Introduced January 12, 2018; referred to the

Committee on the Judiciary.]

1   A BILL to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating

2   to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and

3   providing that all appeals shall be afforded a full and meaningful review, an opportunity to

4   be heard, and a written decision on the merits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. APPELLATE RELIEF IN SUPREME COURT OF APPEALS.

§58-5-1. Appeal as a matter of right; when appeal lies.

1   (a) All appeals shall be afforded a full and meaningful review, and an opportunity to be

2 heard, by the West Virginia Supreme Court of Appeals, and a written decision on the merits shall

3 be issued, as a matter of right.

4   (b) A party to a civil action may appeal to the Supreme Court of Appeals from a final

5 judgment of any circuit court or from an order of any circuit court constituting a final judgment as

6 to one or more but fewer than all claims or parties upon an express determination by the circuit

7 court that there is no just reason for delay and upon an express direction for the entry of judgment

8 as to such claims or parties.

9   (c) The defendant in a criminal action may appeal to the Supreme Court of Appeals from

10 a final judgment of any circuit court in which there has been a conviction or which affirms a

11 conviction obtained in an inferior court.

NOTE: The purpose of this bill is to clarify that appeals to the Supreme Court are a matter of right and that every party has an opportunity to be heard and to obtain a written decision on the merits of the appeal.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.