

(3) ASSIGNMENT OF ERROR – Section 17

In continuance of Attachments (2) NATURE OF CASE, RELIEF SOUGHT, AND OUTCOME the defendant asks for reversal of the Circuit Courts order to **NOT ACCEPT** the defendant's '*Petition for Appeal of the Jury Verdict*'. Judge Kaufman stated the defendant failed to state the following in her appeal:

“Under Rule 12 (b) (6) of the West Virginia Rules of Civil Procedure, Defendant must state a claim and present a set of facts on which relief could be granted.” And “Thus, Respondent’s *Motion to Accept Appeal is hereby DENIED for failure to state a claim for which relief can be granted.*”

Judge Kaufman has erred in citing Civil Codes on his Final Order of the 8th day of July, 2014 and thereafter in the 16th day of July, 2014 Final Order.

“Under Rule 12 (b) (6) of the West Virginia Rules of Civil Procedure”

The defendants appeal is for a criminal case, furthermore Attachment (1) Supplemental Information the Court will find the *West Virginia form 'Petition for Appeal of Jury Verdict*. The defendant provided this information including 300 pages of additional evidence, which included the facts, grounds, reason and relief sought. The defendant had questioned the behavior of the State and its employees since the formal complaint filed with Kanawha Sheriff Department and the Kanawha Magistrate Court on April 24, 2013 (18. Attachments (1). The defendant sought immediate review of the case for the State has violated her basic Constitutional rights of a fair trial, due process, including the right to confront the accusers, put on a defense, receive timely discovery and the right to call witnesses without States interference. These are covered in West Virginia Constitution Section 14 a mandate to uphold the Confrontation Clause and the Compulsory Process.

The defendant asked for the immediate appeal of the Jury Verdict, for the State violated her Constitutional right to Due Process of the 5th, 6th, and 14th amendments of the United States Constitution and with malice. However as noted in attachment (4) orders the Circuit Court denied her right to have the Court hear her appeal.

This appeal is specific to the ORDERS signed by the Circuit Court so the defendant limits her discourse to the topic of '**ACCEPTING THE Appeal**' in the Kanawha Circuit Court. *West Virginia Rule 20.1 and 50-5-13 Appeals in Criminal Cases*. Therefore, the defendant attaches the '*Petition for Appeal of Jury Verdict*' submitted with 300 additional pages of facts to the Circuit Court of Kanawha County; however based on instruction for the Supreme Court Clerk's Office the 300 pages on record at the Circuit Court of Kanawha will/has not been provided to your court at this time and if required the defendant is prepared to offer those documents as further testimony that Judge Kaufman erred in citing civil code and the facts, grounds, and relief were provided in the 'Appeal of the Jury Trial form' submitted to the Circuit Clerks Office on July 7, 2014 and previously on July 3, 2014 in the Magistrate Court.

Both *West Virginia rule 20.1 and 50.5-13 Appeals in criminal cases* state:

Rule 20.1 (c) *If no appeal is perfected within the appropriate 20-day period, the circuit court may, not later than 90 days after the date of sentencing, grant an appeal upon a showing of good cause why such appeal was not filed within the 20-day period.*

The defendant is formable candidate for US Senate and the refusal to hear the appeal for the reason Justice Kaufman stated is in error for the defendant provide the facts and the type of relief sought as witnessed in the completed form attached and submitted in completion on July 3, 2014 and presented to a Justice on Day/Night Court duty at 6:00pm. Furthermore precedence of "***If no appeal is perfected within the appropriate 20-day period, the circuit court may, not later than 90 days after the date of sentencing, grant an appeal upon a showing of good cause why such appeal was not filed***

within the 20-day period demonstrates an effort to engage with those seeking justice when lower courts have erred or are corrupt.

The Defendants provides the form for "Petition for Appeal of Jury Verdict" so the Supreme Court can see that the facts and relief sought were presented to the Circuit and Magistrate Courts as Criminal in Nature. Defendant asks the Supreme Court to reverse the Circuit Courts Final Order and accept the completed 300 page appeal completed on July 3, 2014 and ***"is perfected within"*** shall be constituted as in good faith and without prejudice.

The defendant is qualified to represent herself and submitted the Appeal in 18 business days in its entirety without mail service.