

The South Carolina Court of Appeals

First Citizens Bank & Trust Company, Inc., Respondent,

v.

Justin K. Spires, Timothy J. Spires, Sr., South Carolina
Department of Probation, Parole and Pardon Services and
Warren B. Giese as Solicitor,

Of Whom Justin K. Spires and Timothy J. Spires, Sr. are
the Appellants.

Appellate Case No. 2021-001219

ORDER

On June 5, 2023, Respondent filed a motion to dismiss this appeal, arguing that pursuant to section 15-39-870 of the South Carolina Code, *res judicata* barred the appeal. This is essentially the same argument presented as the first issue in Respondent's brief. After careful consideration, we deny the motion to dismiss without prejudice to this court's consideration of this argument as part of the appeal as it is presented in Respondent's brief.



FOR THE COURT

Columbia, South Carolina

cc:

Shawn Micheal French, Sr., Esquire
Theodore von Keller, Esquire
B. Lindsay Crawford, III, Esquire
Baxter Lindsay Crawford, IV, Esquire
Charley Summerlin FitzSimons, Esquire

FILED
Jun 21 2023
