

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Shannon M. Philips, Master-in-Equity

Appellate Case No.: 2023-001225 (Case No.: 2019-CP-42-03758)

Greenwich Revolving Trust by Wilmington Savings Fund Society, FSB,
not in its individual capacity, but solely as
Owner TrusteeRespondent,

v.

Clinton Justus aka Clinton B. Justus, Brandy L. Justus, and
The South Carolina Department of Motor
Vehicles,.....Defendants,

of whom Clinton B. Justus is the Appellant.

RESPONDENT’S MOTION TO DISMISS APPEAL

On August 1, 2023, Appellant filed a notice of appeal *pro se*, followed by an Initial Brief, also filed *pro se*, on October 24, 2023. Respondent filed a Motion to Dismiss for failure of Appellant to comply with Rule 208, SCACR. This Court denied the Motion on January 2, 2024; however, it ruled that if the Appellant failed to file an Amended Initial Brief that complies with Rule 208, SCACR, within 30 days from the date of the order, then the appeal would be dismissed. Appellant failed to file an Amended Initial Brief within the required time frame. Consequently, the appeal was dismissed on February 8, 2024. On February 23, 2024, Appellant’s counsel in the court below moved to reinstate the appeal, arguing that he and Appellant had no agreement for

representation at the appellate level, and that Appellant did not receive a copy of the Court's January 2, 2024 Order. On April 30, 2024, this Court granted Appellant's Motion to Reinstate the appeal, and also granted a motion filed by Appellant's counsel below to be relieved as counsel. Thereafter, the Clerk's Office issued several deficiency letters to Appellant concerning Appellant's failure to file a proof of service. On July 23, 2024, the Clerk of Court notified Appellant that his appeal would be dismissed if he does not serve and file an Amended Initial Brief that complies with Rule 208(b)(1), SCACR within ten days of the date of its letter. On August 2, 2024, Appellant refiled his Initial Brief and Designation of Matter. On August 7, 2024, the Clerk of Court issued another deficiency letter for failure to file proof of service, giving Appellant ten days from the date of its letter to correct the deficiency. On August 19, 2024, Appellant filed a proof of service certifying that he had mailed his Initial Brief and Designation of Matter on August 19, 2024. On August 28, 2024, Respondent received Appellant's Initial Brief and Designation of matter in an envelope posted August 24, 2024. The Initial Brief contained a statement of the issues on appeal and a statement of the case, but once again, lacked any standard of review and arguments supporting its appeal.

ARGUMENT

Pursuant to Rule 208(b)(1), Appellant's brief shall contain, in relevant part, the standard of review and arguments supporting its appeal. Appellant's Initial Brief filed on August 2, 2024 repeats the failures of his Initial Brief filed on October 24, 2023 in that it lacks a stated standard of review and any arguments in support of its appeal. Given Appellant's repeated failure to comply with Rule 208(b)(1), this Court is justified in dismissing his appeal. Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992).

Further, because Appellant failed to present arguments to this Court with citations to authority, he has abandoned his issues on appeal. Oien Fam. Invs., LLC v. Piedmont Mun. Power Agency, 424 S.C. 168, 184, 817 S.E.2d 647, 656 (Ct. App. 2018); Wright v. Craft, 372 S.C. 1, 20, 640 S.E.2d 486, 497 (Ct. App. 2006); Fields v. Melrose Ltd. P'ship, 312 S.C. 102, 106, 439 S.E.2d 283, 284 (Ct. App. 1993); Bell v. Bennett, 307 S.C. 286, 294, 414 S.E.2d 786, 791 (Ct. App. 1992).

The only statements in Appellant's Initial Brief that could be viewed as particular arguments are as follows:

1. ABUSE OF PROCESS
2. PLAINTIFF HAD AN ULTERIOR PURPOSE IN PROCEEDING WITH DEFAULT, FORECLOSURE AND SALE WITH KNOWLEDGE THAT SERVICE ON THE DEFENDANT CLINTON JUSTUS WAS IMPROPER
3. PROCEEDING WITH DEFAULT, JUDGMENT AND SALE OF PROPERTY [SIC] WITH KNOWLEDGE THAT SERVICE ON CLINTON JUSTUS WAS INEFFECTIVE IS A WILLFUL ACT THAT WAS NOT PROPER IN THE CONDUCT OF THE PROCEEDING

[Initial Brief, p. 4].

Short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore will not be considered by an appellate court. Fields v. Melrose Ltd. Partnership, 312 S.C. 102, 106, 439 S.E.2d 283, 285 (Ct. App. 1993). Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001); State v. Black, 319 S.C. 515, 518, 462 S.E.2d 311, 313 (Ct. App. 1995).

CONCLUSION

For the reasons set forth above, Respondent prays for an Order dismissing Appellant's Appeal.

SIGNATURE PAGE FOLLOWS

s/Heidi B. Carey

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Columbia, SC
September 17, 2024

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Respondent’s Motion to Dismiss Appeal has this day been caused to be served via first class postage prepaid, addressed as follows:

Clinton B. Justus
970 Turning Leaf Lane
Mill Spring, NC 28756

RILEY, POPE & LANEY, LLC

s/Heidi B. Carey

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Columbia, SC
September 17, 2024