

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2012*

**SHIRLEY A. VARNADO,**  
Petitioner,

v.

**THE RAKUSIN LAW FIRM,**  
Respondent.

No. 4D11-2956

[May 16, 2012]

PER CURIAM.

The petition for second-tier review of the order of the circuit court sitting in its appellate capacity is granted. The court dismissed petitioner's appeal of a county court judgment for failure to file a brief, without providing ten days' notice as required before sanctions may be imposed. *See Fla. R. App. P. 9.410.* Respondent concedes that the court departed from the essential requirements of law. *See Tucker v. Charles D. Franken, P.A.*, 62 So. 3d 1207, 1208 (Fla. 4th DCA 2011). *See also United Auto. Ins. Co. v. Total Rehab & Med. Ctr.*, 870 So. 2d 866, 870 (Fla. 3d DCA 2004). This matter is remanded to the circuit court for further proceedings consistent with the foregoing cases.

WARNER, POLEN and TAYLOR, JJ., concur.

\* \* \*

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John B. Bowman, Judge; L.T. Case Nos. 10-25320 02 and 08-8823 COCE.

Shirley A. Varnado, Davie, pro se.

Stephen Rakusin, The Rakusin Law Firm, P.A., Fort Lauderdale, for respondent.

***Not final until disposition of timely filed motion for rehearing.***