

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DEMARCUS MARSH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D20-67

Opinion filed December 23, 2020.

Appeal from the Circuit Court for
Hillsborough County; Michelle D. Sisco,
Judge.

Melody M. Dietsch, Brandon, for Appellant.

ORDER ON SHOW-CAUSE PROCEEDING

PER CURIAM.

Attorney Melody D. Dietsch, Florida Bar number 878390, appeared before this court on Tuesday, December 1, 2020, to show cause why sanctions should not be imposed for her failure to comply with this court's orders in this criminal appeal.

The Appellant filed a notice of appeal that was docketed in this court on January 7, 2020. On April 16, 2020, this court granted the Tenth Circuit Public Defender's motion to withdraw based on conflict, and the circuit court appointed

Attorney Dietsch to represent the Appellant. The Tenth Circuit Public Defender certified that the record on appeal was forwarded to Attorney Dietsch on May 7, 2020.

On June 10, 2020, this court issued an order directing counsel for the Appellant to serve the initial brief within twenty days. Attorney Dietsch did not respond.

On July 2, 2020, this court issued an order directing counsel for the Appellant to serve the initial brief within twenty days or risk the imposition of sanctions. Attorney Dietsch did not respond.

On July 24, 2020, Attorney Dietsch filed a notice of appearance and a motion to supplement the record and for an extension of time to file the initial brief.

On July 28, 2020, this court granted the motion and directed that arrangements for supplementation of the record be made within three days. This court granted a thirty-day extension of time to serve the initial brief.

On August 24, 2020, this court issued an order noting that the circuit court clerk filed a status report indicating that arrangements for the supplemental record had not been made. This court directed the Appellant to make said arrangements within ten days and to file a status report. Attorney Dietsch did not respond.

On September 14, 2020, this court issued an order directing Attorney Dietsch to comply with the August 24 order within ten days or risk the imposition of sanctions. Attorney Dietsch did not respond.

On October 6, 2020, this court issued an order directing Attorney Dietsch to comply with the August 24 order within ten days or risk the imposition of sanctions. Attorney Dietsch did not respond.

On October 26, 2020, this court called and left Attorney Dietsch a message advising that she had seven days to comply with the aforesaid orders or sanctions proceedings may commence. Attorney Dietsch did not respond.

On November 12, 2020, this court issued an order to show cause requiring Attorney Dietsch to appear at the court's December 1 oral argument session to show cause why she should not be sanctioned for her failure to respond to this court's orders of August 24, September 14, and October 6, 2020.

On December 1, Attorney Dietsch appeared as ordered. She did not adequately explain her failure to respond to this court's orders.

By separate order, on our own motion we have discharged Attorney Dietsch from further representation of the Appellant in this appeal.

Due to Attorney Dietsch's failure to comply with this court's directives and the attendant delays, we refer this matter to The Florida Bar for investigation and initiation of such proceedings as may be appropriate.

SILBERMAN, SLEET, and ROTHSTEIN-YOUAKIM, JJ., Concur.