

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

EVAN POWER,

Appellant,

vs.

Case No. 1D20-2290

Lower Case No. 2020-CA-1200

LEON COUNTY,

Appellee.

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**MOTION TO DISMISS**

Pursuant to Rule 9.300 and 9.410, Florida Rules of Appellate Procedure, Appellee, Leon County, Florida (“Leon County”), moves the Court to dismiss the present appeal and, in support thereof, states the following:

1. On July 30, 2020, Evan J. Power (“Mr. Power”) filed his Notice of Appeal.
2. Pursuant to Florida Rules of Appellate Procedure 9.210(f) and 9.110(f), Mr. Power was required to serve and file his initial brief within seventy (70) days from filing of the Notice of Appeal; therefore, Mr. Power’s initial brief was due to be served and filed on October 8, 2020.
3. October 8, 2020, came and went without Mr. Power filing his initial brief or a request for an extension of time.

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4. On October 22, 2020, Leon County filed a Motion for Order to Show Cause requesting the Court enter an order to show cause as to why Mr. Power's appeal should not be dismissed for failure to serve and file an initial brief.

5. On October 23, 2020, the Court entered an Order informing Mr. Power that he had 20 days from October 23, 2020, to file his initial brief or show cause why this appeal should not be dismissed for failure to comply with the rules and orders of the Court. The Order to Show Cause specifically stated, "[t]he failure to timely comply with this order will result in dismissal of this case without further opportunity to be heard. Fla. R. App. P. 9.410." *See*, October 23, 2020, Order of the Court.

6. Twenty days from October 23, 2020, was November 12, 2020, which again came and went without any filing from Mr. Power. This matter, therefore, should be dismissed.

WHEREFORE, Leon County, Florida, respectfully requests this Court enter an order dismissing the present appeal.

Respectfully Submitted,

/s/Marion Drew Parker

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**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically and E-Served by the Florida Court’s E-Filing Portal to the following parties of record on this 13<sup>th</sup> day of November, 2020.

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\_\_\_\_\_  
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**CERTIFICATE OF FONT COMPLIANCE**

I hereby certify that this filing complies with the font requirement of Rule 9.210, Florida Rules of Appellate Procedure.

Dated this 13th day of November, 2020.

*/s/Marion Drew Parker*  
\_\_\_\_\_  
MARION DREW PARKER