

# Supreme Court of Florida

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No. 66,455

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THE FLORIDA BAR, Complainant,

vs.

GERALD DAVID BABBITT, Respondent.

[August 30, 1985]

PER CURIAM.

This attorney-discipline proceeding is before us on the complaint of The Florida Bar, the respondent's conditional guilty plea for consent judgment, and the uncontested report of the referee. We have jurisdiction. Art. V, § 15, Fla. Const.

In his conditional guilty plea, respondent acknowledges his violation of Disciplinary Rule 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation) of the Code of Professional Responsibility of The Florida Bar. The referee recommended that respondent be found guilty in accordance with his conditional plea and that he be suspended from the practice of law for a period of sixty days.

We approve the referee's findings of fact and recommended discipline. Accordingly, we suspend respondent from the practice of law for sixty days, effective thirty days from the filing of this opinion, thereby allowing him time to close out his practice and take the necessary steps to protect his clients. Respondent shall accept no new business from the date of this order.

Judgment for the costs of these proceedings in the amount of \$300 is hereby entered against respondent, for which sum let execution issue.

It is so ordered.

OVERTON, ACTING C.J., ALDERMAN, McDONALD and SHAW, JJ., Concur  
EHRLICH, J., Dissents with an opinion

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF  
FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL  
NOT ALTER THE EFFECTIVE DATE OF THIS SUSPENSION.

EHRLICH, J., dissenting.

I would decline to accept the conditional guilty plea. I appreciate the fact that the plea was the result of negotiations with the bar. Nonetheless, the offense with which respondent is charged involves the preparation and use of a forged use and occupancy permit in connection with a real estate closing. If the respondent be guilty of the offense with which he is charged, he should be disbarred. The offense is too serious to be dealt with on the basis of the negotiated plea. I therefore dissent.

Case of Original Jurisdiction - The Florida Bar

John F. Harkness, Jr., Executive Director; John T. Berry,  
Staff Counsel; and James N. Watson, Jr., Bar Counsel, Tallahassee,  
Florida,

for Complainant

Gerald David Babbitt, in proper person, Burtonsville, Maryland,

for Respondent