

Supreme Court of Florida

No. 69,224

THE FLORIDA BAR, Complainant,

vs.

BILLY D. SHANNON, Respondent.

[May 7, 1987]

PER CURIAM.

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

The referee accepted respondent's conditional plea and found respondent guilty of the following: (1) respondent violated the Code of Professional Responsibility of The Florida Bar, Rule 1-102(A)(4) (engaging in conduct involving fraud, misrepresentation, dishonesty and deceit), and Rule 1-102(A)(6) (conduct reflecting adversely on fitness to practice law), by failing to return his 5 1/2 year-old daughter to his former wife and the child's mother, contrary to a court-ordered child visitation order; (2) respondent violated The Florida Bar's Code of Professional Responsibility Rule 1-102(A)(6) (conduct reflecting adversely on fitness to practice law), and Rule 7-101(A)(2) (failing to carry out a contract for professional services), by abandoning his law practice and neglecting a client's divorce case without notifying the client; and (3)

respondent violated The Florida Bar's Code of Professional Responsibility Rule 1-102(A)(6) (conduct reflecting adversely on fitness to practice law), and Rule 9-102(B)(4) (failing to promptly pay or deliver funds which a client is entitled to receive), by withholding a brokerage commission fee from a real estate salesman and withdrawing attorney's fees from an escrow account without authorization.

In accordance with respondent's conditional guilty plea for consent judgment, the referee recommended a six-months' suspension, retroactive to three months from the date of this opinion, with proof of his rehabilitation being required prior to readmission in accordance with Rule 3-5.1(e), Rules Regulating The Florida Bar. We accept the plea, approve the referee's report, and impose the recommended discipline. Judgment for costs in the amount of \$740.66 is hereby entered against respondent, for which sum let execution issue.

It is so ordered.

MCDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

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.

Original Proceeding - The Florida Bar

John F. Harkness, Jr., Executive Director and John T. Berry,
Staff Counsel, Tallahassee, Florida; and Jan K. Wichrowski,
Bar Counsel, Orlando, Florida,

for Complainant

Sylvan A. Wells, III, Daytona Beach, Florida,

for Respondent