

IN THE SUPREME COURT OF THE STATE OF FLORIDA

HERBERT MICHEL,
Petitioner,

CASE NO.: SC15-378

vs.

DCA NO.: 4D12-4369

STATE OF FLORIDA,
Respondent.

_____ /

MOTION TO STAY

On 28 September 2015, this Court ordered the respondent to show cause why this Court should not accept jurisdiction in this case, summarily quash the decision being reviewed, and remand for reconsideration in light of the Court's decisions *Henry v. State*, 40 Fla. L. Weekly S147 (Fla. Mar. 19, 2015), and *Gridine v. State*, 40 Fla. L. Weekly S149 (Fla. Mar. 19, 2015)

In its 28 October 2015 response, the respondent requested that this Court either stay the proceedings until expiration of the time for the respondent to petition the United States Supreme Court for a writ of certiorari in *Henry*, 40 Fla. L. Weekly S147, and/or *Gridine*, 40 Fla. L. Weekly, or remand to the trial court for proceedings in accordance with sections 775.082 and 921.1402, Florida Statutes. The respondent styled the request for stay as it did because it was still reviewing whether to petition for writ of certiorari.

On 22 December 2015, the respondent did in fact petition for writs of certiorari in the United States Supreme Court in the matters of *Florida v. Shimeeka*

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Daquiel Gridine, 15-870 (SC12-1223) and *Florida v. Leighdon Henry*, 15-871 (SC12-578). Responses are due 8 February 2016.

WHEREFORE the respondent respectfully requests that this Court stay proceedings in this Court in the above-styled case pending a final resolution of *Gridine*, 15-870, and *Henry*, 15-871, by the United States Supreme Court.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by electronic mail on 29 January 2016 to Richard G. Bartmon, RC4AppellateFilings@rc-4.com; Office of Criminal Conflict and Civil Regional Counsel – Fourth District, 401 S. Dixie Highway, Second Floor, West Palm Beach, Florida 33401.

/s/ NANCY JACK
Counsel for respondent