

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

JOHN GILLESPIE,
Respondent.

Supreme Court Case
No. SC20-974

The Florida Bar File Nos. 2019-
30,691(09C) and 2019-30,789(09C)

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MOTION FOR EXTENSION OF TIME TO FILE REPORT OF REFEREE

COMES NOW, The Florida Bar on behalf of the Honorable Ellen S. Masters, and moves this Court for an extension of time for the referee to file the report in this matter and says:

1. On April 15, 2021, this Court entered an order disapproving the uncontested report of the referee accepting the parties' conditional guilty plea for consent judgment and remanded this matter to the referee for further proceedings.

2. The order provided that the report of referee must be filed within 90 days of the April 15, 2021 order, thus requiring the report to be filed on or before July 14, 2021.

3. Respondent has a pending criminal matter where the competency of respondent has been raised. On May 27, 2021, a hearing

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was held in the criminal matter and the trial court directed the Assistant Statewide Prosecutor to coordinate an evidentiary hearing with the court's judicial assistant and respondent's attorney.

4. In this discipline matter, on June 14, 2021, at the pretrial status conference, respondent made an *ore tenus* motion to continue the Final Hearing. As grounds, respondent cited the following reasons: respondent has been found to be incompetent to proceed in his criminal case by two of the three doctors appointed and is awaiting an evidentiary hearing to be set on that issue; he has concerns for his physical and mental health if the Final Hearing went forward on June 23, 2021; he is unable to prepare for the bar disciplinary trial or secure witnesses due to his incarceration; and the no contact order in his criminal case is currently preventing him from speaking to his co-defendant, who he would like to call as a witness if the bar matter proceeded to trial.

5. At the status hearing, the bar advised that it was ready for trial but in light of the circumstances it did not oppose respondent's motion to continue.

6. The referee denied respondent's *ore tenus* motion to continue, without prejudice.

7. Following the pretrial status conference, The Florida Bar filed a Motion to Continue the Final Hearing joining in on respondent's motion to continue pending a determination of respondent's competence to proceed in his criminal case. The referee granted the motion for continuance.

8. The referee directed The Florida Bar to seek a 120-day extension to file the report of referee in this case.

WHEREFORE, The Florida Bar prays this Honorable Court will issue an order granting the referee a 120-day extension of time to file the report of referee in this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Karen Clark Bankowitz". The signature is written in a cursive, flowing style.

Karen Clark Bankowitz, Bar Counsel
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CERTIFICATE OF SERVICE

I certify that this document has been E-Filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with copies provided by e-mail to The Honorable Ellen S. Masters, Referee, at P.O. Box 9000, Bartow, FL 33831-9000, at slavoie@jud10.flcourts.org; Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, at psavitz@floridabar.org; and to John Gillespie, Respondent, by First Class U.S. Mail at his temporary address of John Gillespie, Inmate No. 20009561 MPOD-E, P.O. Box 4970, Orlando, FL 32802-4970, and by e-mail at gillespie@lawjq.com; on this 17th day of June, 2021.

A handwritten signature in black ink, reading "Karen Clark Bankowitz". The signature is written in a cursive, flowing style.

Karen Clark Bankowitz, Bar Counsel