

IN THE SUPREME COURT OF FLORIDA

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)

_____ /

MOTION TO ABATE PROCEEDINGS

COMES NOW, The Florida Bar, and moves this Honorable Court to abate these proceedings, and as grounds therefore states as follows:

1. The referee initially postponed the final hearing in this matter in anticipation of a scheduled competency hearing in respondent's pending criminal matter, Case Number 48-2020-CF-004800, in the Ninth Judicial Circuit in and for Orange County, Florida. The criminal matter is pending at staff level and on monitor status with The Florida Bar until the disposition of respondent's criminal charges [The Florida Bar File No. 2020-30,633 (09C)].

2. Following the postponement of the referee level matter, The Florida Bar filed a Motion for Extension of Time to File Report of Referee.

3. On July 12, 2021, this Court granted the bar's request for an

RECEIVED, 08/13/2021 08:59:27 AM, Clerk, Supreme Court

extension of time to file the report of referee, allowing the referee to and including November 12, 2021, in which to file the required report.

4. On July 12, 2021, the criminal court held the hearing to determine respondent's competency to proceed in his criminal case. By order dated July 22, 2021, the court deemed respondent incompetent to stand trial. His next status hearing in the criminal case is scheduled for November 18, 2021.

5. On July 29, 2021, as a result of the criminal court's finding, the bar filed its Notice of Incapacity and Petition for Placement on Inactive List, which has been assigned Supreme Court of Florida Case No. SC21-1119.

6. Respondent's incapacity/incompetence prohibits respondent from proceeding in this bar disciplinary matter. A stay is appropriate and will prevent the need for further extensions to file the report of referee.

7. The bar agrees to provide this Court and the referee with quarterly reports as to respondent's competency status, beginning on November 1, 2021.

8. On August 4, 2021, the referee held a status conference in the instant matter. The bar proposed filing a motion to abate the instant proceeding until respondent is deemed competent to stand trial in his pending criminal case. Respondent agreed that it was appropriate to abate

this matter.

9. The referee concurs with the filing of this Motion to Abate.

WHEREFORE, The Florida Bar requests this Honorable Court will enter an order abating these proceedings until respondent is deemed competent to stand trial in the pending criminal proceedings in Orange County, Florida.

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
The Florida Bar
Orlando Branch Office
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 706531
kbankowitz@floridabar.org
orlandooffice@floridabar.org

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 to The Honorable Ellen S. Masters, Referee, at P.O. Box 9000, Bartow, FL 33831-9000, by e-mail at slavoie@jud10.flcourts.org; 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 email at gillespie@lawjq.com; and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, by email at psavitz@floridabar.org, on this 13th day of August, 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