

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM
BEACH, FL 33401

April 01, 2013

CASE NO.: 4D12-1930

L.T. No.: 2010CF005829AMB

JOHN B. GOODMAN

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

The motion to reconsider the order denying stay dated March 22, 2013, is denied.

The motion for relinquishment based on newly discovered juror misconduct is granted for the defendant to file and present to the trial court a motion based upon the alleged juror misconduct and for the court to allow a juror interview and then to rule on the issue. Such relief is not procedurally barred. See e.g. *Marshall v. State*, 854 So. 2d 1235, 1242 (Fla. 2003); *Davis v. State*, 778 So. 2d 1096 (Fla. 4th DCA 2001).

Relinquishment is for a period of forty-five days.

ORDERED that appellant's motion filed March 28, 2013, for permission to file a reply to State's response is hereby granted.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

cc: Attorney General-W.P.B.
Guy Richard Strafer
State Attorney-P.B.

Roy E.Black
Mark A.J.Shapiro
Hon Jeffrey J.Colbath

Richard Chambers
Valuntas
Clerk Palm Beach

pb


MARILYN BEUTTENMULLER, Clerk
Fourth District Court of Appeal

