

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

BARRY ROBERT GAINSBURG,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File No.
2024-50,391(17A)

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NOTICE OF DETERMINATION OR JUDGMENT OF GUILT

The Florida Bar files this Notice of Determination or Judgment of Guilt under Rule Regulating The Florida Bar 3-7.2(f) and says:

1. Respondent is a member of The Florida Bar, admitted on December 22, 1993.
2. On October 20, 2023, respondent was arrested at the Fort Lauderdale International Airport in Broward, County, pursuant to an outstanding arrest warrant issued by Orange County, Florida.
3. Respondent was charged by Information on December 6, 2023, in *The State of Florida v. Barry Robert Gainsburg*, Case No. 2023-CF-013725-A-O. The Information charged respondent with “Written or Electronic Threats to Kill, Do Bodily Injury, or Conduct a Mass Shooting or an Act of Terrorism,” in violation of Florida Statute § 836.10(2)(A), a

second-degree felony. A true and correct copy of the Information is attached hereto as “TFB Exhibit 1.”

4. On November 12, 2024, respondent entered a no contest plea to the felony charge, pursuant to a plea agreement reached with the State Attorney’s Office. A true and correct copy of the Plea form is attached hereto as “TFB Exhibit 2.”

5. On that same date, the court accepted respondent’s plea agreement. The court withheld adjudication on the felony offense as charged in the Information. Respondent was sentenced to 3 years of probation, with the conditions that he: undergo a mental health evaluation, successfully participate in any recommended treatment, have no contact with the victim, and pay the court costs and fees. True and correct copies of the Judgment and Sentencing Orders are attached hereto as “TFB Composite Exhibit 3.”

The Florida Bar respectfully requests that this Court enter an order:

A. Finding the respondent guilty of violating Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.) of the Rules Regulating The Florida Bar;

B. Suspending the respondent under Rule of Regulating The

Florida Bar 3-7.2(f);

C. Ordering the respondent to provide a copy of the suspension order to all clients, opposing counsel, and courts before which the respondent is counsel of record as required by Rule Regulating The Florida Bar 3-5.1(h);

D. Ordering the respondent to provide staff counsel with the affidavit required by Rule Regulating The Florida Bar 3-5.1(h) listing all clients, counsel, and courts provided with the suspension order within 30 days after receipt of this Court's order; and

E. Appointing or directing the appointment of a referee to conduct a hearing on sanctions under Rule Regulating The Florida Bar 3-7.2(h).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "S. Manglitz".

Sharla Manglitz, Bar Counsel
The Florida Bar
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1300 Concord Terrace, Ste. 130
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CERTIFICATE OF SERVICE

I certify that this document has been filed via the Florida Courts E-Filing Portal with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via the portal to Barry Robert Gainsburg, Respondent, via email at gainsburg@bellsouth.net and bgainsburg@cxgllc.com; and that a copy has been provided by United States Mail via certified mail No. 9589 0710 5270 0174 6828 70, return receipt requested to Barry Robert Gainsburg, whose record bar address is 10601 Royal Palm Blvd, Coral Springs, FL 33065-6855, and to Sharla Manglitz, via email at smanglitz@floridabar.org, on this 11th day of December, 2024.

A handwritten signature in cursive script, reading "S. Manglitz", with a long horizontal flourish extending to the right.

Sharla Manglitz, Bar Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

The trial counsel in this matter is Sharla Manglitz, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Ft. Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Ste.130 Sunrise, FL 33323, (954) 835-0233 and smanglitz@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.

NOTICE OF MANDATORY ELECTRONIC FILING

All parties must file all pleadings, motions, and notices in this matter electronically, with a copy to the referee, through the Florida Courts E-Filing Portal, www.myflcourtagency.com, under Rule Regulating The Florida Bar 3-7.6(h)(5)(A) and (B).