

IN THE COUNTY COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 09-26111MM10A  
(10-10895MO10A)

Plaintiff,

v.

JUDGE: LEE J. SEIDMAN

DWAYNE MITCHELL,

Defendant.

---

**AMENDED**  
**FINAL JUDGEMENT OF DIRECT CRIMINAL CONTEMPT**

**THIS CAUSE** came on to be heard on May 24, 2010, during a hearing concerning the Defendant's trial regarding Criminal Case Number 09-26111MM10A.

Upon this Court granting a defense requested continuance of the defendant's jury trial for the charge of Resisting/Obstruction Without Violence, said Defendant repeatedly stated in a loud tone of voice, "Suck my dick, eat my dick, I don't give a fuck, suck my dick a 100 more times." These rude, insulting, and obscene remarks were intentionally spoken, directed at this Court and disrupted proceedings in Court by delaying and hindering this Court in hearing other matters also presently before the Court. These remarks were uttered for the purpose of embarrassing and degrading the Court and to impugn the dignity and authority of this Court.

Present in court when these degrading, rude, and insulting remarks were made by said Defendant in a loud tone of voice were members of the public, numerous prosecutors, defense attorneys, and other court personnel. The Court is certain that everyone present heard this Defendant's remarks.

Thereafter, the Court inquired of the Defendant whether he could show good cause why he should not be adjudged guilty of Direct Criminal Contempt and sentenced to 179 days in the Broward County Jail. Defendant Mitchell not only failed to show any good cause, but continued to repeat his remark of, "Suck my dick," and showed no excuse or mitigation for his conduct.

This Court is not unmindful of the Appellate Court's admonishment to trial judges to have "thick skins" and to use contempt powers sparingly. **Schenck v. State, 645 So. 2d, 71 (Fla 4<sup>th</sup> DCA 1984)**. However, this is an instance that calls for the imposition of this unique power to bring order to the proceedings and to re-enforce the Court's dignity subsequent to a Defendant's multiple degrading and insulting comments made in open court and on the record.

**ACCORDINGLY**, Defendant Dwayne Mitchell is adjudicated guilty of Direct Criminal Contempt of this Court and sentenced to 179 days in the Broward County Jail. Defendant has 30 days to file an appeal of this order.

**DONE AND ORDERED** at Fort Lauderdale, Broward County, Florida, this 25<sup>th</sup> day of May, 2010.

A handwritten signature in black ink, appearing to read 'Lee Jay Seidman', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

**JUDGE LEE JAY SEIDMAN**  
**COUNTY COURT JUDGE**

cc: B.S.O.

Alexander Hunt, Assistant Public Defender

Fiorella Del Aguila, Assistant State Attorney