

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JOHN VAN NEAL,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-2790

STATE OF FLORIDA,

Appellee.

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Opinion filed January 24, 2005.

An appeal from the Circuit Court for Santa Rosa County.  
Marci L. Goodman, Judge.

Nancy A. Daniels, Public Defender; P. Douglas Brinkmeyer, Assistant Public  
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General; Daniel A. David, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant seeks reversal of an order finding him guilty of indirect criminal  
contempt and sentencing him to four months in jail. He claims that the trial court did

not allow him to present mitigating evidence prior to imposition of sentence and that the order fails to state the facts constituting the contempt. Upon review of the record, this Court is satisfied that the trial court complied with the requirements of Florida Rule of Criminal Procedure 3.840. The record refutes Appellant's assertion that he was not afforded an opportunity to present factors in mitigation. Moreover, the trial court sufficiently stated the facts constituting the contempt during the contempt hearing. The requirement that the order recite the facts constituting the contempt is satisfied when the trial judge orally states on the record the underlying facts constituting the contempt. See Barnhill v. State, 438 So. 2d 175, 175 (Fla. 1st DCA 1983); see also Gidden v. State, 593 So. 2d 294, 294 (Fla. 5th DCA 1992). The order of indirect contempt and sentence is therefore affirmed.

ALLEN, DAVIS and BROWNING, JJ., CONCUR.