

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2014

BRIAN W. AREND,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

No. 4D14-2488

[September 24, 2014]

Petition for writ of prohibition to the Seventeenth Judicial Circuit, Broward County; Barbara McCarthy, Judge; L.T. Case No. 13-1213CF10A.

Michael D. Weinstein of Michael D. Weinstein, P.A., Fort Lauderdale, for petitioner.

Pamela Jo Bondi, Attorney General, Tallahassee, and Angela E. Noble, Assistant Attorney General, West Palm Beach, for respondent.

PER CURIAM.

The petition for writ of prohibition is granted. Petitioner's motion to disqualify the trial judge was legally sufficient. See Fla. R. Jud. Admin. 2.330(d)(1). The facts alleged would prompt a reasonably prudent person to fear that he could not get a fair hearing. See *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332, 1335 (Fla. 1990); *Franco v. State*, 777 So. 2d 1138, 1140 (Fla. 4th DCA 2001) (recognizing that a judge's hostility toward counsel can, in some circumstances, provide a reasonable basis for a client to fear bias); *Hayslip v. Douglas*, 400 So. 2d 553, 556 (Fla. 4th DCA 1981).

STEVENSON, GROSS and TAYLOR, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.