

Third District Court of Appeal

State of Florida

Opinion filed December 23, 2015.

No. 3D15-2893
Lower Tribunal Nos. 15-14151-A & 15-23735

Jean-Elie Charlemagne,
Petitioner,

vs.

**Marydell Guevara, Interim Director, Miami-Dade County
Corrections, and the State of Florida,**
Respondents.

A Case of Original Jurisdiction – Habeas Corpus.

Carlos J. Martinez, Public Defender, and Jeffrey Paul DeSousa, Assistant Public Defender, for petitioner.

Pamela Jo Bondi, Attorney General, and Jacob Addicott, Assistant Attorney General, for respondents.

Before SUAREZ, C.J., and SALTER and EMAS, JJ.

SUAREZ, C.J.

Based upon the State's proper confession of error that the trial court failed to follow the procedures of Fla. R. Crim. P. 3.840 in holding the defendant in

contempt, we grant the Petition for Habeas Corpus and vacate the contempt order entered below and direct that the defendant be immediately released. This order is without prejudice to the trial court to pursue contempt hearings by properly following the procedures of Rule 3.840.¹ No rehearing will be entertained by the Court, and the mandate shall issue immediately.

¹ This order does not address the merits, if any, of the alleged contempt.