

# Third District Court of Appeal

## State of Florida

Opinion filed September 23, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D20-287  
Lower Tribunal No. 15-11350

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**Demetrius Antwon Jones,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, John Schlesinger,  
Judge.

Carlos J. Martinez, Public Defender, and Stephen J. Weinbaum, Assistant  
Public Defender, for appellant.

Ashley Moody, Attorney General, and Kseniya Smychkouskaya, Assistant  
Attorney General, for appellee.

Before EMAS, C.J., and SCALES and LOBREE, JJ.

PER CURIAM.

Appellant Demetrius Antwon Jones appeals an order holding him in direct criminal contempt. The trial court imposed a 180-day sentence after Jones uttered a profanity during a hearing on his counsel's motion to withdraw from representing him, and then tried to leave the courtroom without the trial court's permission. We affirm because the trial court did not abuse its discretion. Michaels v. Loftus, 139 So. 3d 324, 327 (Fla. 3d DCA 2014) ("We review such orders on an abuse of discretion standard.").

At the hearing on his counsel's motion to withdraw, Jones objected to the withdrawal motion in advance of his trial date and grew frustrated when his counsel would not state, in open court, counsel's reason for filing the motion. The trial judge explained to Jones that the reason was privileged, and Jones's counsel's disclosure of the reason could result in the trial judge's recusal.

Apparently dissatisfied with this explanation, Jones said, in a courtroom filled with other criminal defendants and court personnel, "So fuck me basically." The trial judge asked what Jones had said and Jones repeated these words. The trial judge gave Jones an opportunity to explain himself, which Jones declined to do beyond saying, "[y]our courtroom is unfair." Jones then attempted to leave the courtroom in the middle of these proceedings without permission. The trial judge found Jones in direct criminal contempt and sentenced him to 180 days in jail. See Fla. R. Crim. P. 3.830.

A defendant's use of profanity in open court may constitute a valid ground for direct criminal contempt when the profanity is uttered in the presence of the trial judge and the utterance disrupts the trial court's business. Twine v. State, 188 So. 3d 44, 46 (Fla. 3d DCA 2016); Davila v. State, 100 So. 3d 262, 263 (Fla. 3d DCA 2012). Jones's use of profanity in open court and his attempt to leave the proceedings – in the presence of other criminal defendants and court personnel – disrupted the trial court's business and, if left unpunished, would have undermined the trial court's authority.

Affirmed.