

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

RICHARD R. MCCORMACK,	**	
Petitioner,	**	
vs.	**	CASE NO. 3D01-2446
THE STATE OF FLORIDA,	**	LOWER
Respondent.	**	TRIBUNAL NO. 01-10003

Opinion filed October 24, 2001.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Alan Postman, Judge.

Hayden and Milliken and Raul J. Chacon, Jr., for petitioner.

Robert A. Butterworth, Attorney General, and Susan Odzer Hugentugler (Ft. Lauderdale), Assistant Attorney General, for respondent.

Before COPE, GODERICH and SHEVIN, JJ.

PER CURIAM.

We grant McCormack's petition for writ of certiorari and quash paragraph seven of the order granting Plaintiff's Verified Motion for Prejudgment Writ of Replevin finding McCormack in

contempt of court. As the state properly concedes in its response, the record does not demonstrate "any act that is contemptuous on its face." Carnival Corp. v. Beverly, 744 So. 2d 489, 496 (Fla. 1st DCA 2000). See Parisi v. Broward County, 769 So. 2d 359 (Fla. 2000).

Certiorari granted.