

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

JASON HOWARD CARRIER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

APPELLATE DIVISION (CRIMINAL)

CASE NO.: 06-04AC A02

L.T. # 05-2376/TC A02

FILED
2006 FEB 10 PM 4:14
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

BY ORDER OF THE COURT:

THIS CAUSE is before the Court upon Petitioner's Petition for Writ of Prohibition. Prohibition lies to review trial court orders denying motions to disqualify trial court judges. Siegel v. State, 861 So. 2d 90, 92 (Fla. 2003). A motion to disqualify is governed in substance by section 38.10, Florida Statutes, and procedurally by rule 2.160, Florida Rules of Judicial Administration. The rule states that "[a] motion to disqualify shall show...that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge." Fla. R. Jud. Admin. 2.160(d)(1); Zuchel v. State, 824 So. 2d 1044, 1046 (Fla. 4th DCA 2002). The Court having reviewed the petition and determined that the petition for writ of prohibition fails to demonstrate a prima facie case for relief, it is hereby

ORDERED AND ADJUDGED that the Petition for Writ of Prohibition is **DENIED**.

ORDERED: FEB 10 2006


CIRCUIT COURT JUDGE


CIRCUIT COURT JUDGE


CIRCUIT COURT JUDGE

cc:

Michelle Zieba, Esq., ASA, 401 N. Dixie Hwy., West Palm Beach, FL 33401.

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Honorable Paul O. Moyle