

Supreme Court of Florida

CORRECTED OPINION

Nos. 67,671 & 67,750

POST-NEWSWEEK STATIONS, FLORIDA, INC.
and THE MIAMI HERALD PUBLISHING COMPANY,

Petitioners

vs.

THE STATE OF FLORIDA,
FRANCISCO FUSTER ESACLONA a/k/a/ FRANK FUSTER,
ILEANA FUSTER, and THE HON. ROBERT NEWMAN,

Respondents.

[July 2, 1987]

EHRlich, J.

We have for our review Post-Newsweek Stations v. State,
474 So.2d 344 (Fla. 3d DCA 1985), wherein the district court
certified the following question of great public importance:

[I]S THE PRINT AND ELECTRONIC MEDIA
ENTITLED TO NOTICE OF, AND THE OPPORTUNITY
AND RIGHT TO ATTEND, PRE-TRIAL DISCOVERY
DEPOSITIONS IN CRIMINAL CASES?

Id. We have jurisdiction, article V, section 3(b)(4), Florida
Constitution.

We have recently answered this question in the negative.
Palm Beach Newspapers v. Burk, 504 So.2d 378 (Fla. 1987).
Accordingly, we approve the decision of the district court below.

It is so ordered.

McDONALD, C.J., and OVERTON, SHAW, BARKETT, GRIMES and KOGAN, JJ.,
Concur

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

Two Conolidated Cases:

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Third District - Case No. 85-1753

Donald M. Middlebrooks, Thomas R. Julin, Joan H. Lowenstein
and Norman Davis of Steel, Hector & Davis, Miami, Florida;
and Richard J. Ovelmen, General Counsel, The Miami Herald
Publishing Company, Miami, Florida, and Laura Besvinick of
Greer, Homer, Cope & Bonner, P.A., Miami, Florida,

for Petitioners

Robert A. Butterworth, Attorney General and Louis F. Hubener,
Assistant Attorney General, Tallahassee, Florida; and Janet Reno,
State Attorney for the Eleventh Judicial Circuit, and Richard L.
Shiffrin, Assistant State Attorney, Miami, Florida,

for Respondents