

Supreme Court of Florida

No. 68,369

JAMES WILSON, et. al., Petitioners,

v.

STATE OF FLORIDA, Respondent.

[February 25, 1988]

PER CURIAM.

The Second District Court of Appeal has certified the following as a question of great public importance:

WHETHER THE HOLDINGS IN JONES V. STATE, NO. 64,042 (FLA. OCT. 17, 1985); STATE V. G.P., NO. 63,613 (FLA. AUG. 30, 1985); AND STATE V. C.C., NO. 64,354 (FLA. AUG. 29, 1985), PRECLUDE THE STATE FROM SEEKING COMMON LAW CERTIORARI REVIEW OF NONAPPEALABLE INTERLOCUTORY ORDERS IN CRIMINAL CASES.

State v. Wilson, 483 So.2d 23, 25 (Fla. 2d DCA 1985). We have jurisdiction pursuant to article V, section 3 (b)(4), Florida Constitution. In State v. Pettis, No. 69,097 (Fla. Jan. 21, 1988), we resolved this question and held that the state is not precluded from seeking review of interlocutory orders by common law certiorari. However, extraordinary writs are reserved for those situations where "there has been a violation of a clearly established principle of law resulting in a miscarriage of justice." Pettis, slip op. at 7 (quoting Combs v. State, 436 So.2d 93, 96 (Fla. 1983)). We have reviewed Wilson in light of

this standard and find that it has been met. Accordingly, we answer the question in the negative and approve the opinion of the district court.

It is so ordered.

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

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

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

Second District - Case No. 85-1397

Alfred J. Ivie, Jr., Dade City, Florida, on behalf of James Leroy
Wilson; and Charlie Luckie, Jr. of Dayton, Sumner, Luckie and
McKnight, P.A., Dade City, Florida, on behalf of Nancy Pauline
Wilson,

for Petitioners

Robert A. Butterworth, Attorney General and Peggy A. Quince,
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for Respondent