

Supreme Court of Florida

No. 69,141

STATE OF FLORIDA, Petitioner,

vs.

TODD JOHNSON, Respondent.

[February 25, 1988]

PER CURIAM.

We have for review State v. Johnson, 490 So.2d 1076 (Fla. 4th DCA 1986), in which the Fourth District Court of Appeal certified the same question which it certified in State v. Thayer, 489 So.2d 782 (Fla. 4th DCA 1986):

DO THE HOLDINGS IN JONES v. STATE, 477 So.2d 566 (Fla. 1985), STATE v. G.P., 476 So.2d 1272 (Fla. 1985) and STATE v.C.C., 476 So.2d 144 (Fla. 1985) PRECLUDE THE STATE FROM SEEKING CERTIORARI REVIEW OF NON-APPEALABLE INTERLOCUTORY ORDERS IN A CRIMINAL CASE WHERE THE STATE HAS DEMONSTRATED A CLEAR DEPARTURE FROM THE ESSENTIAL REQUIREMENTS OF LAW?

489 So.2d at 783. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently answered the question in the negative in State v. Pettis, No. 69,097 (Fla. Jan. 21, 1988). Accordingly, as in State v. Thayer, no. 68,842 (Fla. Feb. 25, 1988), we quash the decision below and remand for proceedings consistent with our decision in Pettis.

It is so ordered.

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

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

Fourth District - Case No. 4-86-0688

Robert A. Butterworth, Attorney General and Eddie J. Bell, Assistant
Attorney General, West Palm Beach, Florida,

for Petitioner

Richard L. Jorandby, Public Defender and Anthony Calvello, Assistant
Public Defender, Fifteenth Judicial Circuit, West Palm Beach,
Florida,

for Respondent