

Supreme Court of Florida

No. 70,468

STATE OF FLORIDA, Petitioner,

vs.

TERRY CECIL, Respondent.

[January 21, 1988]

PER CURIAM.

We have for review State v. Cecil, 508 So.2d 1249, 1250 (Fla. 3d DCA 1987), which certified the following question:

Whether the state is precluded from seeking common law certiorari review of non-appealable interlocutory orders in criminal cases.

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We have resolved this question in State v. Pettis, No. 69,097 (Fla. Jan. 21, 1988), which held that the state is not precluded from seeking review of interlocutory orders by common law certiorari. Thus, we quash the decision below and remand for proceedings consistent with that opinion.

It is so ordered.

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

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

Third District - Case No. 86-2650

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for Petitioner

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