

Supreme Court of Florida

No. 75,057

STATE OF FLORIDA,
Petitioner,

vs.

LUZ PIEDAD JIMENO,
et al., Respondents.

[July 26, 1990]

GRIMES, J.

We accepted jurisdiction¹ to review State v. Jimeno, 550 So.2d 1176 (Fla. 3d DCA 1989), wherein the district court of appeal certified as being of great public importance a question concerning the lawfulness of searching a closed container after consent has been given to search a motor vehicle for narcotics.

¹ Art. V, § 3(b)(4), Fla. Const.

We agree with respondents that under State v. Wells, 539 So.2d 464 (Fla. 1989), aff'd, 110 S.Ct. 1632 (1990), the consent to search a vehicle does not extend to a closed container found inside the vehicle.

Therefore, we approve the decision of the district court of appeal.

It is so ordered.

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

Third District - Case No. 89-888

(Dade County)

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