

Supreme Court of Florida

No. 70,034

STATE OF FLORIDA, Petitioner,

vs.

ARTURO ARRIAGADA, Respondent.

[January 21, 1988]

OVERTON, J.

We have for review State v. Arriagada, 508 So. 2d 1247 (Fla. 3d DCA 1987), in which the state sought review of a pretrial order suppressing certain identification testimony. The district court found this type of pretrial order nonreviewable under Florida Rule of Appellate Procedure 9.140(c). The district court also found that certiorari was not available as a means for review. The court acknowledged direct conflict with State v. Wilson, 483 So. 2d 23 (Fla. 2d DCA 1985), and certified the following as a question of great public importance.

Whether 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 common law certiorari review of nonappealable interlocutory orders in criminal cases.

508 So. 2d at 1248.

We recently answered this question in the negative in State v. Pettis, No. 69,097 (Fla. Jan. 21, 1988). Accordingly, we quash Arriagada and remand to the district court for consideration consistent with Pettis.

It is so ordered.

MCDONALD, C.J., and 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

Third District - Case No. 85-1037

Robert A. Butterworth, Attorney General and Michael J. Neimand,
Assistant Attorney General, Miami, Florida,

for Petitioner

Bennett H. Brummer, Public Defender, Eleventh Judicial Circuit,
and Karen M. Gottlieb, Assistant Public Defender, Miami, Florida,

for Respondent