Supreme Court of Florida

No. 70,468

STATE OF FLORIDA, Petitioner,

vs.

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TERRY CECIL, Respondent.

[January 21, 1988]

PER CURIAM.

We have for review <u>State v. Cecil</u>, 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 nonappealable interlocutory orders in criminal cases.

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We have resolved this question in <u>State v. Pettis</u>, 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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Bennett H. Brummer, Public Defender, Eleventh Judicial Circuit, and N. Joseph Durant, Jr., Assistant Public Defender, Miami, Florida,

for Respondent