

Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed December 23, 2009.

Not final until disposition of timely filed motion for rehearing.

No. 3D09-2379

Lower Tribunal No. 84-13010

The State of Florida,
Petitioner,

vs.

Rickey Bernard Roberts,
Respondent.

A Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Sarah Zabel, Judge.

Bill McCollum, Attorney General, and Sandra S. Jaggard, Assistant Attorney General, for petitioner.

Joseph P. George, Jr., Criminal Conflict and Civil Regional Counsel, Third Region of Florida, and Martin J. McClain, Special Assistant Regional Counsel (Wilton Manors), for respondent.

Before WELLS and SHEPHERD, JJ., and SCHWARTZ, Senior Judge.

ORDER OF TRANSFER

SHEPHERD, J.

This case is before us on the State's Petition for Certiorari seeking review of an order of the Miami-Dade Circuit Court denying its motion to disqualify defense counsel.

As the Florida Supreme Court has made clear its appellate jurisdiction over death penalty cases includes not just exclusive jurisdiction to review all collateral proceedings that develop in those actions, but extends as well to collateral proceedings in cases such as this, where the Court has vacated a death sentence and remanded for further proceedings, see Roberts v. State, 840 So. 2d 962, 973 (Fla. 2002), we order this case to be transferred to the Florida Supreme Court for further proceedings. See Fla. R. App. P. 9.040(b)(1); State v. Fourth Dist. Ct. App., 697 So. 2d 70, 71 (Fla. 1997).

SO ORDERED.