

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

STATE OF FLORIDA,
Petitioner,

v.

KEVIN PRATT,
Respondent.

No. 4D15-1077

[July 1, 2015]

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Bernard I. Bober, Judge; L.T. Case No. 11-17904 CF10A.

Pamela Jo Bondi, Attorney General, Tallahassee, and Richard Valuntas, Assistant Attorney General, West Palm Beach, for petitioner.

Howard Finkelstein, Public Defender, 17th Judicial Circuit, Sarah W. Sandler, Assistant Public Defender, Fort Lauderdale, for respondent.

PER CURIAM.

The State of Florida seeks certiorari review of a non-final order which granted a motion by a criminal defendant to disclose the grand jury testimony of a witness. Grand jury testimony ordinarily is kept secret, § 905.24, Fla. Stat. (2014), but exceptions apply. See § 905.27, Fla. Stat. (2014). The State argued that defendant had not asserted a sufficient predicate for disclosure. Alternatively, if the trial court found a sufficient predicate under section 905.27, the State argued that the trial court should examine the testimony in camera to determine its materiality. See *James v. Wille*, 480 So. 2d 253, 255 (Fla. 4th DCA 1985); *Jackman v. State*, 140 So. 2d 627, 629 (Fla. 3d DCA 1962); see also *Minton v. State*, 113 So. 2d 361, 367 (Fla. 1959). The trial court ordered disclosure without conducting an in camera inspection. We grant the petition, in part, to the extent that we direct the trial court to hold an in camera inspection.

Granted in Part.

CIKLIN, C.J., TAYLOR and MAY, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.