

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2007*

**STATE OF FLORIDA,**  
Petitioner,

v.

**CARLOS LUIS, JAVIER RODRIGUEZ, EDDIE MOR, ADALBERTO  
HERNANDEZ, PAUL PERITO, NICHOLAS JUST and JOSE A. GRILLO,**  
Respondents.

No. 4D06-2072

[February 7, 2007]

**ON MOTIONS FOR REHEARING**

PER CURIAM.

We deny the motions for rehearing in this case, but withdraw our opinion filed on October 4, 2006, and substitute the following in its place.

We grant the State's petition for writ of certiorari and quash the May 8, 2006 order of the Broward Circuit Court, consolidating the pending criminal prosecution before it with ongoing proceedings in the Dade Circuit Court and transferring the case to Miami-Dade County for further proceedings. In the two cases, the charges included racketeering, organized scheme to defraud, intent to sell legend drugs and related offenses. The trial court consolidated the cases "in the interest of judicial economy" and because "the overarching schemes" were the same. The State argues that the Broward case charged conduct different from that committed in Dade County. Based on our review, the trial court's consolidation and effective change of venue from Broward to Dade County constitutes a departure from the essential requirements of law resulting in irreparable harm. See § 910.03, Fla. Stat. (2006); Fla. R. Crim. P. 3.151, 3.240.

Accordingly, the petition is granted and the underlying order quashed. We note that nothing in the rules precludes a double jeopardy challenge if respondents are subsequently tried in Broward County for charges

identical to those in Miami-Dade.

STEVENSON, C.J., KLEIN and GROSS, JJ., concur.

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Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Eileen M. O'Connor, Judge; L.T. Case No. 04-3008 CF10A, B, C, E, F, G, H.

Bill McCollum, Attorney General, Tallahassee, and Angel L. Fleming, Assistant Attorney General, Miami, for petitioner.

Edward J. O'Donnell of O'Donnell & O'Donnell, Miami, for respondent Carlos Luis.

Jane W. Moscovitz of Moscovitz & Moscovitz, P.A., Miami, for respondents Dr. Paul Perito and Nicholas Just.

Lisa Walsh of Lisa S. Walsh P.A., Miami, and Frank Quintero, Jr., of Frank Quintero, Jr., P.A., Coral Gables, for respondent Jose Grillo.

Bernard M. Cassidy of Bernard M. Cassidy, P.A., Fort Lauderdale, for respondent Eddie Mor.

Joseph S. Rosenbaum of Joseph S. Rosenbaum, P.A., Miami, for respondent Javier Rodriguez.