

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

STATE OF FLORIDA,

Petitioner,

v.

Case No. 5D17-2077

ADRIAN CUMMINS,

Respondent.

_____ /

Opinion filed September 7, 2017

Petition for Certiorari Review of Order
from the Circuit Court for Orange County,
John Marshall Kest, Judge.

Aramis D. Ayala, State Attorney, Orlando,
and Cherish Renee Adams, Assistant State
Attorney, Orlando, for Petitioner.

Robert Wesley, Public Defender, and Sarah
Moore, Assistant Public Defender, Orlando,
for Respondent.

PER CURIAM.

The State of Florida petitions for writ of certiorari to review the trial court's discovery order requiring it to disclose to the defense which, out of a number of recorded jail calls between Adrian Cummins (Respondent) and others, would be introduced at trial. Although we conclude the trial court's order departs from the essential requirements of the law, see State v. Williams, 678 So. 2d 1356,1358 (Fla. 3d DCA 1996) (holding that

State did not have to tell defendants which documents, out of 285 boxes of documents, it intended on using at trial because to do so would violate work-product doctrine), the State has failed to show irreparable harm. See State v. Milbry, 219 So. 3d 160, 161 (Fla. 5th DCA 2017) (explaining irreparable harm is jurisdictional and must be found before court may consider whether departure from the essential requirements of the law occurred). Specifically, the State has failed to show that its ability to prosecute Respondent would be significantly impaired by the trial court's ruling. The trial court indicated that additional calls could be admissible upon a showing of good cause by the State, and the State has not argued that it would be unable to show good cause. Accordingly, we dismiss the petition.

DISMISSED.

PALMER, EVANDER and BERGER, JJ., concur.