

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

JANUARY TERM 2013

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

STATE OF FLORIDA,

Petitioner,

v.

Case No. 5D13-1694

JASON MICHAEL REID,

Respondent.

_____ /

Opinion filed July 3, 2013

Petition for Writ of Prohibition,
A Case of Original Jurisdiction.

Jeffrey L. Ashton, State Attorney, Orlando,
and John N. Knutton, Assistant State
Attorney, Kissimmee, for Petitioner.

Ernest J. Mullins, Kissimmee, for
Respondent.

PER CURIAM.

The Petition for Writ of Prohibition is denied. A writ of prohibition is meant to be very narrow in scope and should be employed with great caution. *English v. McCrary*, 348 So. 2d 293, 296 (Fla. 1977). Prohibition may only be granted when it is shown that a lower court is without jurisdiction or attempting to act in excess of jurisdiction. *Id.*

PETITION DENIED.

SAWAYA and BERGER, JJ., concur.
EVANDER, J., concurs, with opinion.

EVANDER, J., concurring.

Although I believe that the State has a meritorious argument on the underlying substantive issue, I agree that a writ of prohibition does not lie in the instant case. Furthermore, the alleged prospective error of the trial court can be remedied on plenary appeal. See *Cox v. State*, 412 So. 2d 354 (Fla. 1982) (reversal of judgment and sentence appropriate where trial court, over objection of State, accepted plea to lesser offense; jeopardy did not attach).