

Supreme Court of Florida

ORIGINAL

No. 73,779

STATE OF FLORIDA, Petitioner,

vs.

MARK D. EVANS, et al., Respondents.

[September 19, 1991]

PER CURIAM.

We review State v. Evans, 537 So.2d 639 (Fla. 2d DCA 1988), in which the Second District Court of Appeal certified the same questions as certified in Hunter v. State, 531 So.2d 239 (Fla. 4th DCA 1988), as being of great public importance:*

* We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

Does an agreement whereby a convicted drug trafficker will receive a substantially reduced sentence in exchange for setting up new drug deals and testifying for the state violate the holding in State v. Glosson[, 462 So.2d 1082 (Fla. 1985)]?

Assuming the existence of a due process violation under Glosson, does Glosson's holding extend to a codefendant who was not the direct target of the government's agent?

Hunter, 531 So.2d at 290 n.3. We recently addressed these issues in State v. Hunter, No. 73,230 (Fla. Aug. 29, 1991), and accordingly, we vacate the judgment below and remand this case to the district court for reconsideration in light of Hunter.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Second District - Case No. 88-536

(Hillsborough County)

Robert A. Butterworth, Attorney General and David R. Gemmer,
Assistant Attorney General, Tampa, Florida,

for Petitioner

Stuart C. Markman and D. Frank Winkles of Winkles, Trombley,
Kynes & Markman, P.A., Tampa, Florida; and Thomas C. MacDonald,
Jr. of Shackelford, Farrior, Stallings & Evans, P.A., Tampa,
Florida, for Respondent Mark D. Evans; and James Marion Moorman,
Public Defender and Andrea Steffen, Assistant Public Defender,
Tenth Judicial Circuit, Bartow, Florida, for Respondent Vernon
Messier,

Respondents