

Supreme Court of Florida

ORIGINAL

No. 80,338

STATE OF FLORIDA, Petitioner,

vs.

STEPHEN LEVINE, Respondent.

[July 1, 1993]

PER CURIAM.

We have for review State v. Levine, 601 So. 2d 1346, 1346-47 (Fla. 4th DCA 1992), in which the Fourth District Court of Appeal certified the same question as in Williams v. State, 593 So. 2d 1064 (Fla. 4th DCA 1992). In Williams, the court certified the following question:

DOES THE SOURCE OF ILLEGAL DRUGS USED BY LAW
ENFORCEMENT PERSONNEL TO CONDUCT REVERSE STINGS
CONSTITUTIONALLY SHIELD THOSE WHO BECOME
ILLICITLY INVOLVED WITH SUCH DRUGS FROM CRIMINAL
LIABILITY?

593 So. 2d at 1064. We have jurisdiction pursuant to article V,
section 3(b)(4) of the Florida Constitution.

We addressed this issue in State v. Williams, No. 79,507
(Fla. July 1, 1993), where we held

that the illegal manufacture of crack cocaine by
law enforcement officials for use in a reverse-
sting operation within one thousand feet of a
school constitutes governmental misconduct which
violates the due process clause of the Florida
Constitution.

Slip op. at 2. Accordingly, we approve the decision of the
district court below.

It is so ordered.

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

McDONALD, J., dissents.

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

Fourth District - Case No. 92-0281

(Broward County)

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for Petitioner

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