

Supreme Court of Florida

No. 64,678

RAYMOND LEE SMITH, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

May 2, 1985

PER CURIAM.

We accepted jurisdiction in this case because of conflict with State v. Casper, 417 So.2d 263 (Fla. 1st DCA 1982). Art. V, § 3(b)(3), Fla. Const. The facts are legally indistinguishable from those in Cruz v. State, No. 63,451 (Fla. March 7, 1985). As we find in Cruz, the decoy ruse constituted entrapment as a matter of law. Accordingly, we quash the opinion of the district court, Smith v. State, 441 So.2d 1162 (Fla. 2d DCA 1983), and remand for action consistent with this opinion.

It is so ordered.

BOYD, C.J., ADKINS, OVERTON, McDONALD, EHRLICH and SHAW, JJ.,
Concur
ALDERMAN, 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, Direct Conflict of Decisions

Second District, Case No. 82-2155

Jerry Hill, Public Defender and Robert F. Moeller, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Jim Smith, Attorney General and Theda James Davis, Assistant
Attorney General, Tampa, Florida,

for Respondent