## 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 <u>State v. Levine</u>, 601 So. 2d 1346, 1346-47 (Fla. 4th DCA 1992), in which the Fourth District Court of Appeal certified the same question as in <u>Williams v. State</u>, 593 So. 2d 1064 (Fla. 4th DCA 1992). In <u>Williams</u>, 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 <u>State v. Williams</u>, 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 reversesting 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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