

# Supreme Court of Florida

**ORIGINAL**

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No. 80,477

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STATE OF FLORIDA, Petitioner,

vs.

DAVID JAMES NERO, Respondent.

[July 1, 1993]

PER CURIAM.

We have for review Nero v. State, 604 So. 2d 550 (Fla. 4th DCA 1992), in which the Fourth District Court of Appeal certified the same question that it certified in Williams v. State, 593 So. 2d 1064 (Fla. 4th DCA 1992):

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?

Nero, 604 So. 2d at 550. 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. 91-2515

(Broward County)

Robert A. Butterworth, Attorney General; Joan Fowler, Senior  
Assistant Attorney General and James J. Carney, Assistant  
Attorney General, West Palm Beach, Florida,

for Petitioner

Kevin J. Kulik of Edward M. Kay, P.A., Fort Lauderdale, Florida,

for Respondent