

Supreme Court of Florida

ORIGINAL

No. 80,731

STATE OF FLORIDA, Petitioner,

vs.

JOHN FRANCIS ROBERTSON, Respondent.

[July 1, 1993]

PER CURIAM.

We have for review Robertson v. State, 605 So. 2d 94 (Fla. 4th DCA 1992), in which the Fourth District Court of Appeal certified the following question as one of great public importance:

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?

Id. at 94. We have jurisdiction pursuant to article V, section
3(b)(4) of the Florida Constitution.

We addressed this same 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. 91-2288

(Broward County)

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