

Supreme Court of Florida

No. 81,676

JAMES TISBY, Petitioner,
vs.
STATE OF FLORIDA, Respondent.

ORIGINAL

[June 9, 1994]

PER CURIAM.

We review Tisby v. State, 614 So. 2d 586 (Fla. 4th DCA 1993), based on constitutional construction. We have jurisdiction. Art. V, § 3 (b)(3), Fla. Const.

We recently resolved the issue presented in this case in Metcalf v. State, 19 Fla. L. Weekly S168 (Fla. Apr. 7, 1994), where we found a due process violation when police used illegally manufactured drugs in a reverse-sting operation. On authority of Metcalf we quash the decision under review.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN and HARDING, JJ., concur.
McDONALD, Senior Justice, 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 - Constitutional Construction
Fourth District - Case No. 91-1580

(Broward County)

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for Petitioner

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