

Supreme Court of Florida

No. 81,864

ROBERT BURATY, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

ORIGINAL

[June 9, 1994]

PER CURIAM.

We review Buraty v. State, 616 So. 2d 550 (Fla. 4th DCA 1993), based on conflict. 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 - Direct Conflict of Decisions
Fourth District - Case No. 92-2205

(Broward County)

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for Petitioner

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