

**FOURTH DIVISION
DOYLE, P. J.,
ANDREWS and BOGGS, JJ.**

**NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
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June 11, 2014

In the Court of Appeals of Georgia

A12A2469. COSMO v. THE STATE.

BOGGS, Judge.

In *State v. Cosmo*, Ga. (Case No. S13G1070, decided April 22, 2014) (“*Cosmo I*”), the Supreme Court reversed Division 1 of our opinion in *Cosmo v. State*, 320 Ga. App. 397 (739 SE2d 828) (2013) (“*Cosmo I*”). We therefore vacate Division 1 of our earlier opinion and adopt the opinion of the Supreme Court as our own with respect to that division. While sufficient evidence supports Cosmo’s conviction under OCGA § 16-12-100.2 (d) (1), he is entitled to a “retrial as a result of the trial court’s failure to charge on entrapment.” *Cosmo II*, slip op. at 1, n. 1.

Judgment reversed. Doyle, P. J., and Andrews, J., concur.