

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JOSEPH HOLMES, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-5790

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Opinion filed October 6, 2011.

An appeal from the Circuit Court for Alachua County.  
James P. Nilon, Judge.

Nancy A. Daniels, Public Defender, and Glenna Joyce Reeves, Assistant Public  
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Diana K. Bock, Assistant Attorney  
General, Tampa, for Appellee.

WOLF, J.

We affirm appellant's conviction and sentence. We note, however, after all the briefs were filed, appellant moved to file a supplemental brief. Appellant asserted that, at the time the initial brief was filed, appellant's counsel was unaware of a constitutional challenge to the drug possession statute raised in Shelton v.

Secretary, Department of Corrections, 23 Fla. L. Weekly Fed. D11 (M.D. Fla. July 27, 2011). This court previously addressed the very same issue raised in Shelton in Williams v. State, 45 So. 3d 14 (Fla. 1st DCA 2010), and upheld the drug possession statute as constitutional. Accordingly, we deny the request to provide supplemental briefing on the matter.\*

AFFIRMED.

DAVIS and MARSTILLER, JJ., CONCUR.

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\* We note this decision will not necessarily be binding on whether to grant leave to file supplemental briefs based on the Shelton decision in appeals filed pursuant to Anders v. California, 386 U.S. 738 (1967).