

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

JOHN EUGENE BARTA,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-2365

Opinion filed June 13, 2012.

An appeal from the Circuit Court for Bay County.
Michael C. Overstreet, Judge.

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

Pamela Jo Bondi, Attorney General, and Anne C. Conley, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

We affirm the denial of the motion to suppress without further discussion.

We decline Appellant's invitation to find section 893.13, Florida Statutes

unconstitutional for the reasons expressed in Flagg v. State, 74 So. 3d 138 (Fla. 1st DCA 2011).

AFFIRMED.

WOLF, RAY, and MAKAR, JJ., CONCUR.