

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROBERT LAMAR JOHNSON,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D11-3557

Opinion filed July 11, 2012.

Appeal from the Circuit Court for
Hillsborough County; Daniel L. Perry,
Judge.

James Marion Moorman, Public Defender,
and Pamela H. Izakowitz, Assistant Public
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Donna S. Koch, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Robert Lamar Johnson appeals the revocation of his probation and the sentence imposed for his underlying conviction for delivery of cannabis within 1000 feet of a school. We affirm.

Because Mr. Johnson raises here a challenge to the constitutionality of the underlying conviction based upon Shelton v. Secretary, Department of Corrections, 802 F. Supp. 2d 1289 (M.D. Fla. 2011), and as this issue is presently pending before the Florida supreme court in State v. Adkins, 71 So. 3d 184 (Fla. 2d DCA), review granted, 71 So. 3d 117 (Fla. 2011), we recognize that he may be entitled to raise this issue in a timely motion for postconviction relief. See Gregg v. State, 37 Fla. L. Weekly D1069 (Fla. 2d DCA May 2, 2012).

SILBERMAN, C.J., and CASANUEVA and KELLY, JJ., Concur.