

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)	
)	
Appellant,)	
)	
v.)	Case No. 2D11-5950
)	
JUSTIN JASON LINDBERG,)	
)	
Appellee.)	
_____)	

Opinion filed November 2, 2012.

Appeal from the Circuit Court for
Manatee County; Scott M. Brownell, Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Elba Caridad Martin-
Schomaker, Assistant Attorney General,
Tampa, for Appellant.

James Marion Moorman, Public Defender,
and Matthew D. Bernstein, Assistant Public
Defender, Bartow, for Appellee.

PER CURIAM.

The State appeals the dismissal of the charge against Justin Jason
Lindberg for possession of a controlled substance in violation of section 893.13(6)(a),
Florida Statutes (2011). The charge was dismissed based upon the circuit court's
conclusion that section 893.13 is unconstitutional. We reverse and remand based on

the recent Florida Supreme Court decision upholding the statute as constitutional. See State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012).

Reversed and remanded.

NORTHCUTT, LaROSE, and CRENSHAW, JJ., Concur.