

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

JANIS ANN BENBOW,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-6318

Opinion filed October 12, 2012.

An appeal from the Circuit Court for Santa Rosa County.
David Rimmer, Judge.

Nancy A. Daniels, Public Defender, and Steven L. Seliger, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Angela R. Hensel, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant pled no contest to several felony drug offenses and was sentenced
to 18 months in prison. On appeal, she challenges the constitutionality of section
893.101, Florida Statutes (2009), based on the reasoning in Shelton v. Secretary,

Department of Corrections, 802 F. Supp. 2d 1289 (M.D. Fla. 2011). That decision was recently reversed on appeal, see Shelton v. Secretary, Department of Corrections, ___ F. 3d ___, 2012 WL 3641008 (11th Cir. Aug. 24, 2012), and the Florida Supreme Court expressly upheld the constitutionality of section 893.101 in State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012). Accordingly, we reject Appellant's constitutional challenge and affirm her convictions and sentences.

AFFIRMED.

LEWIS, WETHERELL, and MAKAR, JJ., CONCUR.