

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

KEVIN L. DAVIS,
Appellant,

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

v.

CASE NO. 1D12-1643

STATE OF FLORIDA,
Appellee.

Opinion filed September 6, 2012.

An appeal from the Circuit Court for Escambia County.
J. Scott Duncan, Judge.

Kevin L. Davis, pro se, Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant filed a rule 3.850 postconviction motion containing four claims which the trial court denied. We affirm the order denying relief and note

that claim four involves a challenge pursuant to Shelton v. Secretary, Florida Department of Corrections, 802 F. Supp. 2d 1289 (M.D. Fla. July 27, 2011). The Florida Supreme Court has since held that section 893.13, Florida Statutes, is not unconstitutional. See State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012). We therefore affirm.

AFFIRMED.

MARSTILLER, RAY and SWANSON, JJ., CONCUR.