

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-3819

SHAKEYNA FOSTER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
Edward P. Nickinson, III, Judge.

June 13, 2018

PER CURIAM.

Appellant, Shakeyna Foster, challenges her conviction and sentence for possession of over 20 grams of cannabis following a no contest plea where she reserved her right to appeal the denial of a dispositive motion to suppress. Nine pounds of marijuana were found in the common area of Appellant's residence after law enforcement entered the residence to serve arrest warrants on two brothers who law enforcement believed to be staying there. Because the law enforcement officers reasonably believed the subjects of the arrest warrants were present in Appellant's residence, the officers were allowed to enter the residence. *Payton v. New York*, 445 U.S. 573, 602-03 (1980); § 901.19(1), Fla. Stat. (2016). After they entered the residence, the officers were

permitted to conduct a protective sweep per *Maryland v. Buie*, 494 U.S. 325, 334-36 (1990).

AFFIRMED.

WOLF, BILBREY, and KELSEY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Robin B. Rogers, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Tabitha Herrera and Kaitlin Weiss, Assistant Attorneys General, Tallahassee, for Appellee.