

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2012*

**RAMON GERBERT DAVIS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D12-273

[October 31, 2012]

PER CURIAM.

We affirm the denial of the defendant's motion for postconviction relief in which he sought to vacate his guilty plea to drug trafficking. The district courts of appeal and our supreme court have rejected the holding of *Shelton v. Secretary, Department of Corrections*, 802 F. Supp. 2d 1289 (M.D. Fla. 2011). Section 893.01, Florida Statutes (2009). *State v. Adkins*, 96 So. 3d 412 (Fla. 2012); *Maestas v. State*, 76 So. 3d 991 (Fla. 4th DCA 2011); *Little v. State*, 77 So. 3d 722 (Fla. 3d DCA 2011); *Holcy v. State*, 83 So. 3d 778 (Fla. 5th DCA 2011); *Flagg v. State*, 74 So. 3d 138 (Fla. 1st DCA 2011).

Further, *Shelton's* reasoning is inapplicable to a drug trafficking offense as the trafficking statute expressly contains a *mens rea* requirement that a defendant "knowingly" possess, sell, purchase, manufacture, deliver, or bring into this state the drugs in question. § 893.135(1), Fla. Stat. (2009). Thus, no possibility exists that a defendant could be held strictly liable for an "unknowing" possession or delivery of the drugs. *Maestas*, 76 So. 3d at 993-95.

*Affirmed.*

STEVENSON, GERBER and LEVINE, JJ., concur.

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Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Joseph Marx, Judge; L.T. Case No. 2010CF005527AMB.

Brian P. Gabriel of Gabriel & Gabriel, LLC, Jupiter, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***