

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. )  
 )  
 GARY A. KEUHN, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D11-4860

Opinion filed September 28, 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.

We reverse the trial court's dismissal of the charges against Gary A. Keuhn based on the constitutionality of section 893.13, Florida Statutes (2011). See State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012).

Reversed and remanded.

DAVIS, WALLACE, and BLACK, JJ., Concur.