

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.)
)
 DONALD EARL JAMES,)
)
 Appellee.)
 _____)

Case No. 2D11-5338

Opinion filed October 12, 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 Donald Earl James 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.

SILBERMAN, C.J., and KELLY and LaROSE, JJ., Concur.