

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.)
)
 CHRISTOPHER MANN,)
)
 Appellee.)
_____)

Case No. 2D11-5345

Opinion filed October 3, 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.

CASANUEVA, Judge.

The State of Florida appeals the dismissal of its prosecution of
Christopher Mann for possession of a controlled substance, possession of drug
paraphernalia, and petit theft. The trial court had dismissed the case upon a finding that
the relevant statute, section 893.13, Florida Statutes (2010), was unconstitutional. See

Shelton v. Secretary, Department of Corrections, 802 F. Supp. 2d 1289 (M.D. Fla. 2011), rev'd, 2012 WL 3641008 (11th Cir. Aug. 24, 2012). The statute has since been found constitutional in State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012). We therefore reverse with instructions to vacate the order of dismissal and reinstate the cause.

Reversed and remanded for further proceedings.

ALTENBERND and KHOUZAM, JJ., Concur.