

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.)
)
 JESSICA L. KATSAITIS,)
)
 Appellee.)
 _____)

Case No. 2D11-5596

Opinion filed October 24, 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.

The State appeals from an order granting Jessica L. Katsaitis's motion to
dismiss the narcotics charges against her on the ground that section 893.13, Florida
Statutes (2011), is unconstitutional. We reverse based on the recent decision of the

Florida Supreme Court upholding the statute as constitutional. See State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012).

Reversed and remanded.

KELLY, VILLANTI, and MORRIS, JJ., Concur.