

Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed December 21, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-2946
Lower Tribunal Nos. 07-23134B & 07-34705

Keith D. Adams,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Marisa Tinkler-Mendez, Judge.

Keith D. Adams, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before EMAS and FERNANDEZ, JJ., and SCHWARTZ, Senior Judge.

SCHWARTZ, Senior Judge.

As held by four unanimous district courts of appeal, including this one, we again reject Shelton v. Secretary, Department of Corrections, No. 6:07-CV-839-

ORL-35-KRS, 2011 WL 3236040 (M.D. Fla. July 27, 2011) and hold that section 893.13, as amended by section 893.101, Florida Statutes (2002), is constitutional. Accord *Maestas v. State*, No. 4D09-5349 (Fla. 4th DCA Nov. 30, 2011); *Little v. State*, No. 3D11-2463 (Fla. 3d DCA Nov. 16, 2011); *Holcy v. State*, No. 5D10-3437 (Fla. 5th DCA Nov. 1, 2011); *Flagg v. State*, No. 1D11-2372 (Fla. 1st DCA Oct. 13, 2011).¹ Accordingly, the order below denying postconviction relief is

Affirmed.

¹ The only district court of appeal which has not considered the merits of Shelton has “passed through” the issue to the Florida Supreme Court. *State v. Adkins*, 71 So. 3d 184 (Fla. 2d DCA 2011).