

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JOHN EUGENE BARTA,  
Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-2365

STATE OF FLORIDA,  
Appellee.

/

Opinion filed June 13, 2012.

An appeal from the Circuit Court for Bay County.  
Michael C. Overstreet, Judge.

Nancy Daniels, Public Defender, and Glenna Joyce Reeves, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Anne C. Conley, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We affirm the denial of the motion to suppress without further discussion.

We decline Appellant's invitation to find section 893.13, Florida Statutes

unconstitutional for the reasons expressed in Flagg v. State, 74 So. 3d 138 (Fla. 1st DCA 2011).

AFFIRMED.

WOLF, RAY, and MAKAR, JJ., CONCUR.