

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

PETER FOSTER WAHKELEH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-3808

Opinion filed May 4, 2012.

An appeal from the Circuit Court for Escambia County.
Linda L. Nobles, Judge.

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

Pamela Jo Bondi, Attorney General, and Heather Flanagan Ross, Assistant Public
Defender, 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.