

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2012

TINA LYNN SOPP,

Appellant,

v.

CASE NO. 5D11-2341

STATE OF FLORIDA,

Appellee.

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Opinion filed March 23, 2012

Appeal from the Circuit Court  
for Marion County,  
Hale R. Stancil, Judge.

James S. Purdy, Public Defender, and  
Michael S. Becker, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Douglas T. Squire,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Tina Lynn Sopp appeals from judgments and sentences for possession of oxycodone, driving under the influence, providing a false name to a law enforcement officer, and driving while license suspended, challenging the denial of a dispositive motion to suppress evidence and challenging her drug possession conviction based

upon the constitutional analysis in *Shelton v. Secretary, Department of Corrections*, 802 F. Supp. 2d 1289 (M.D. Fla. 2011).

We affirm as to the suppression issue without further comment, and reject the constitutional claim for the reasons expressed in *Flagg v. State*, 74 So. 3d 138 (Fla. 1st DCA 2011). We certify that the same issue reviewed in this case is currently pending before the Florida Supreme Court in *State v. Adkins*, 71 So. 3d 117 (Fla. 2011). The mandate will be withheld pending final disposition of *Adkins*.

AFFIRMED.

MONACO, LAWSON and COHEN, JJ., concur.