

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

JULY TERM 2011

STEPHEN LANIER,

Appellant,

v.

Case No. 5D10-2080

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed November 18, 2011

Appeal from the Circuit Court  
for Brevard County,  
Robert Burger, Judge.

James S. Purdy, Public Defender, and  
Meghan Ann Collins, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Lori N. Hagan, Assistant  
Attorney General, Daytona Beach, for  
Appellee.

COHEN, J.

Stephen Lanier was arrested and charged with possession of a controlled substance pursuant to section 893.13(6)(a), Florida Statutes (2009), as well as resisting an officer without violence. Lanier filed a motion to suppress, alleging that he was seized without a warrant or probable cause, and therefore the subsequent search of his person was unauthorized under the Fourth Amendment to the United States

Constitution. Following the denial of his motion to suppress, Lanier entered into a negotiated plea, specifically reserving the right to appeal the trial court's ruling.

Although not raised below, in addition to challenging the denial of his motion to suppress, on appeal Lanier also challenges the constitutionality of Chapter 893, citing Shelton v. Secretary, Department of Corrections, 23 Fla. L. Weekly Fed. D11 (M.D. Fla. July 27, 2011).

Finding no error, we affirm. See Flagg v. State, No. 1D11-2372 (Fla. 1st DCA Oct. 13, 2011).

AFFIRMED.

SAWAYA and LAWSON, JJ., concur.