

# Supreme Court of Florida

## ORIGINAL

---

No. 80,997

---

STATE OF FLORIDA, Petitioner,

vs.

BRETT TODD PLEASANT, Respondent.

[June 24, 1993]

PER CURIAM.

The decision of the district court of appeal in Pleasant v. State, 609 So. 2d 57 (Fla. 1st DCA 1992), is before this Court for review based on a certified question. Art. V, § 3(b)(4), Fla. Const. The decision under review is quashed on the authority of State v. Rucker, 613 So. 2d 460 (Fla. 1993). The case is remanded for proceedings consistent with Rucker.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance

First District - Case No. 91-2546

(Escambia County)

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau  
Chief - Criminal Appeals, and Carolyn J. Mosley, Assistant  
Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and Carl S. McGinnes, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent