

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

EUGENE LEVESQUE,

Appellant,

v.

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

CASE NO. 1D11-2168

STATE OF FLORIDA,

Appellee.

/

Opinion filed March 20, 2012.

An appeal from the Circuit Court for Alachua County.  
Ysleta W. McDonald, Judge.

Nancy A. Daniels, Public Defender, Pamela D. Presnell, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Therese A. Savona, Assisstant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We affirm Appellant's conviction on Count I, but reverse and remand with directions to the trial court to vacate either Count II or Count III, as conceded by the State, and resentence Appellant accordingly.

AFFIRMED in part, REVERSED in part, and REMANDED.

DAVIS, THOMAS, and RAY, JJ., CONCUR.