

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

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

SHAMIR J. SUBER,

Appellant,

v.

Case No. 5D15-2554

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 4, 2015

3.853 Appeal from the Circuit Court
for Orange County,
Jenifer M. Davis, Judge.

Shamir J. Suber, Mayo, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Because the trial court summarily denied the motion for DNA testing without ordering the State to respond, we reverse. *Harris v. State*, 40 Fla. L. Weekly D939 (Fla. 2d DCA Apr. 22, 2015); *Cheshire v. State*, 872 So. 2d 427, 428 (Fla. 5th DCA 2004).

REVERSED AND REMANDED.

TORPY, COHEN, and BERGER, JJ., concur.