

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

EARL M. JONES,

Appellant,

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

v.

CASE NO. 1D04-0315

STATE OF FLORIDA,

Appellee.

Opinion filed August 4, 2005.

An appeal from the Circuit Court for Leon County.
Kathleen F. Dekker, Judge.

Nancy A. Daniels, Public Defender, and Edgar Lee Elzie, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and Edward C. Hill, Jr., Special Counsel,
Tallahassee, for Appellee.

PER CURIAM.

Because there is a reasonable probability that appellant Earl M. Jones would
have been acquitted had the DNA evidence requested demonstrated that the blood
samples found on a pair of jogging shoes and certain items of clothing removed from

the crime scene neither matched his DNA nor that of the victim, we reverse and remand the order denying the post-conviction motion for DNA testing, filed pursuant to Florida Rule of Criminal Procedure 3.853, with directions that the motion for testing be granted. See Riley v. State, 851 So. 2d 811 (Fla. 2d DCA 2003).

REVERSED and REMANDED.

ERVIN, PADOVANO and LEWIS, JJ., CONCUR.