

JUSTIN TAVARSE BARGE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

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

CASE NO. 1D05-1294

Opinion filed November 28, 2005.

An appeal from the Circuit Court for Escambia County.
Terry D. Terrell, Judge.

Nancy A. Daniels, Public Defender; Joel Arnold, Assistant Public Defender,
Tallahassee, for Appellant.

Charlie Crist, Attorney General; Sheron Wells, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Although the trial court erred in relying on the clerk's docket as part of the record, Clark v. State, 851 So. 2d 826 (Fla. 1st DCA 2003), the summary denial of the appellant's postconviction motion is affirmed because the motion is facially insufficient. State v. Mancino, 714 So. 2d 429, 433 (Fla. 1998); Baker v. State, 714 So. 2d 1167 (Fla. 1st DCA 1991).

AFFIRMED.

KAHN, C.J., HAWKES and THOMAS, JJ., concur.