

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

TRAVIS RAY STUCKY,

Appellant,

v.

Case No. 5D18-580

STATE OF FLORIDA,

Appellee.

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Opinion filed August 24, 2018

3.853 Appeal from the Circuit  
Court for Brevard County,  
Robin C. Lemonidis, Judge.

Travis Ray Stucky, Bushnell, pro se.

No Appearance for Appellee.

PER CURIAM.

The trial court denied Appellant's Florida Rule of Criminal Procedure 3.853 motion for DNA testing because it was facially insufficient. See Fla. R. Crim. P. 3.853(c)(2). We agree and affirm without prejudice. Appellant may refile a facially sufficient motion if he can do so in good faith. See *Rosa v. State*, 147 So. 3d 583, 584 (Fla. 4th DCA 2014); *Luckner v. State*, 979 So. 2d 1121, 1121–22 (Fla. 3d DCA 2008).

AFFIRMED.

COHEN, C.J., LAMBERT and EISNAUGLE, JJ., concur.