

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

WILLIE JACKSON JOHNSON,

Appellant,

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

v.

CASE NO. 1D06-4274

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 21, 2007.

An appeal from the Circuit Court for Gadsden County.
P. Kevin Davey, Judge.

Willie Jackson Johnson, pro se, Appellant.

Bill McCollum, Attorney General, and Daniel A. David, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's summary denial of his postconviction motion filed pursuant to Florida Rule of Criminal Procedure 3.853. Because the appellant's motion is facially sufficient, and the trial court neither held an evidentiary hearing nor attached portions of the record indicating that identity was not an issue or

that the DNA evidence would not exonerate the appellant, we reverse the trial court's denial. See Schofield v. State, 861 So. 2d 1244 (Fla. 2d DCA 2003).

REVERSED and REMANDED.

BENTON, PADOVANO, and THOMAS, JJ., CONCUR.