

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

TERRANCE L. McCLOUD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-1774

[October 7, 2015]

Appeal of order denying rule 3.853 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Raag Singhal, Judge; L.T. Case Nos. 00-4477CF10A, 00-4936CF10A and 00-5995CF10A.

Terrence L. McCloud, Okeechobee, pro se.

No appearance required for appellee.

PER CURIAM.

We affirm the trial court's order summarily denying appellant's motion for DNA testing, filed pursuant to Florida Rule of Criminal Procedure 3.853.

Appellant alleged the Coral Springs Police Department had his fingerprints. They were allegedly obtained after his arrest in three separate cases in which he was convicted of burglary of a dwelling and grand theft. He claimed DNA testing of the "crime scene fingerprint" [sic] would exonerate him in the three cases. He alleged that identity was an issue in the cases, but he did not include a statement as to why it was, or how the DNA evidence would exonerate him as he claimed. This is required in Florida Rule of Criminal Procedure 3.853(b)(4). Also, the motion was not verified as required in Rule 3.853(b).

Affirmance is without prejudice to appellant promptly filing a legally sufficient motion if he can do so in good faith. *Rosa v. State*, 147 So. 3d 583, 584 (Fla. 4th DCA 2014) (citing *Oquendo v. State*, 2 So. 2d 1001, 1005 (Fla. 4th DCA 2008)).

Affirmed without prejudice.

GROSS, TAYLOR and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.