

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

KIM DUANE CAIN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D16-2997

[May 24, 2017]

Appeal of order denying rule 3.853 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Krista Marx, Judge; L.T. Case No. 501996CF007783A.

Melissa Montle and Seth E. Miller of Innocence Project of Florida, Inc., Tallahassee, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. See *Scott v. State*, 46 So. 3d 529, 532-33 (Fla. 2009) (any error in trial court's finding that defendant's motion for postconviction DNA testing was technically insufficient was harmless where defendant's motion for postconviction DNA testing was legally insufficient because he failed to show a reasonable probability existed that the test results would exonerate him).

GERBER, CONNER and KLINGENSMITH, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.