

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2003

DAVID ANTHONY EDDY,

**

Appellant,

**

vs.

**

CASE NO.:3D03-3178

LOWER TRIBUNAL NO.:91-11706

THE STATE OF FLORIDA,

**

Appellee.

**

Opinion filed December 24, 2003.

An appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Miami-Dade County, Diane Ward, Judge.

David Anthony Eddy, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before SCHWARTZ, C.J., and GERSTEN, and WELLS, JJ.

PER CURIAM.

Affirmed. See §925.11(2)(a), Fla. Stat. (2003) ("petition for postsentencing DNA testings must be made under oath"); Fla.R.Crim.P. 3.853(b) ("motion for postconviction DNA testing must be under oath").