

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2005

DAVID T. STEPHENS,

Appellant,

v.

Case No. 5D04-4297

STATE OF FLORIDA,

Appellee.

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Opinion filed February 4, 2005.

3.853 Appeal from the Circuit  
Court for Orange County,  
Bob Wattles, Judge.

David T. Stephens, Avon Park, pro se.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See Hartline v. State, 806 So. 2d 595 (Fla. 5th DCA 2002) (holding that a movant is not entitled to DNA testing when identity was not in question).

THOMPSON, PALMER and ORFINGER, JJ., concur.