

# Third District Court of Appeal

State of Florida, July Term, A.D. 2010

Opinion filed August 18, 2010.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-2619  
Lower Tribunal No. 77-32424

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**Emmett James Paramore,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Dava J. Tunis,  
Judge.

Emett James Paramore, in proper person.

Bill McCollum, Attorney General,, for appellee.

Before COPE and CORTIÑAS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

This is an appeal of an order denying a motion for DNA testing under Florida Rule of Criminal Procedure 3.853. The trial court denied this motion as being successive. We have taken judicial notice of this court's file in Paramore v. McDonough, No. 3D06-596. In 2004, in response to an earlier postconviction motion by defendant-appellant Paramore, the trial court denied a request for DNA testing upon a finding that physical evidence that may contain DNA does not exist. This point was also made by the defendant's public defender, in correspondence contained in the file. We therefore affirm the order now before us.

Affirmed.