

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JAMES ALAN STONE,

Petitioner,

vs.

Case No. 5D21-2418
LT Case. No. 2002-CF-4464

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed October 7, 2021

Petition for Certiorari Review of Order
from the Circuit Court for Orange County,
Tanya Davis Wilson, Judge.

Robert Wesley, Public Defender, and Daniel S.
Spencer, Assistant Public Defender, Orlando, for
Petitioner.

Ashley Moody, Attorney General, Tallahassee, and
Douglas T. Squire, Assistant Attorney General,
Daytona Beach, for Respondent.

PER CURIAM.

We grant the petition for certiorari and quash the trial court's order finding Petitioner competent to proceed. See *Jackson v. State*, 98 So. 3d 133, 134 (Fla. 5th DCA 2012) ("It is well-settled that the legal status of a defendant cannot be adjudicated from incompetent to competent without the benefit of a hearing."); see also Fla. R. Crim. P. 3.212(c)(6).

PETITION GRANTED; ORDER QUASHED.

EVANDER, EDWARDS and SASSO, JJ., concur.