

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

CURTIS ROGERS,

Appellant,

v.

Case No. 5D22-2000
LT Case No. 2016-303204-CFDB

STATE OF FLORIDA,

Appellee.

Opinion filed December 2, 2022

Appeal from the Circuit Court
for Volusia County,
Terence R. Perkins, Judge.

Curtis Rogers, Chipley, pro se.

No Appearance for Appellee.

PER CURIAM.

Curtis Rogers petitions this court for a belated appeal of a retroactive order finding Rogers competent to proceed at trial. We dismiss the petition because an order on competency is not independently appealable. *Pamphile*

v. State, 267 So. 3d 1185, 1185–86 (Fla. 1st DCA 2018). Our dismissal is without prejudice to Rogers to petition the trial court for reentry of the original judgment and sentence so that Rogers may seek review of the nunc pro tunc order determining his competency. See *Joseph v. State*, No. 5D22-1656 (Fla. 5th DCA Nov. 10, 2022).

Petition denied.

LAMBERT, C.J., EVANDER and HARRIS, JJ., concur.