

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-3281

PRESTON PAMPHILE,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Belated Appeal—Original Jurisdiction.

December 31, 2018

PER CURIAM.

This timely sworn petition seeks belated appeal of a September 18, 2017, order declaring Petitioner competent to proceed *nunc pro tunc* to the time of trial. We dismiss the petition because of a jurisdictional issue.

After a jury trial, Petitioner was found guilty and judgments and sentences were rendered on December 2, 2014, in Leon County Circuit Court case number 2014-CF-1428. In 2016, Petitioner filed a petition alleging ineffective assistance of appellate counsel raising four grounds. The petition was granted in part, the judgments and sentences were reversed, and the cause was remanded for further proceedings on the question of establishing Petitioner's competency at the time of trial. *See*

Pamphile v. State, 216 So. 3d 765 (Fla. 1st DCA 2017). On remand, the circuit court issued a *nunc pro tunc* order on the competency issue, but did not re-enter the judgments and sentences. An order on competency is not independently reviewable under rule 9.140(b), Florida Rules of Appellate Procedure.

Because no appealable order has been rendered by the circuit court, the petition for belated appeal is dismissed.

LEWIS, WINOKUR, and JAY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Preston Pamphile, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, Samuel B. Steinberg and Jason W. Rodriguez, Assistant Attorneys General, Tallahassee, for Respondent.