

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

WILFREDO PEREIRA,

Appellant,

v.

Case No. 5D17-1096

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 20, 2018

Appeal from the Circuit Court
for Hernando County,
Daniel B. Merritt, Sr., Judge.

James S. Purdy, Public Defender, and
David M. Dixon, Assistant Public Defender,
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Robin A. Compton,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm the judgment and sentence entered against Wilfredo Pereira after a jury found him guilty of dealing in stolen property. However, because the trial court failed to enter a written competency order after independently determining Pereira was competent to proceed, we remand for entry of a nunc pro tunc written order finding him competent.

See Fla. R. Crim. P. 3.212(b), (c)(7); Dougherty v. State, 149 So. 3d 672, 678-79 (Fla. 2014) (finding trial court may by stipulation decide issue of competency based on written reports alone but must enter written order if defendant is found competent to proceed); Ortiz v. State, 55 So. 3d 724, 724 (Fla. 5th DCA 2011) (affirming judgment and sentence but remanding for entry of written competency order).

AFFIRMED; REMANDED with directions.

BERGER, WALLIS and EISNAUGLE, JJ., concur.