

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-1715

WILLIAM CUFFY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Robert R. Wheeler, Judge.

October 11, 2019

PER CURIAM.

William Cuffy appeals his conviction and sentence, raising four issues. We affirm as to two of them, but upon the State's concession, reverse and remand on the remaining two. First, we remand for the trial court to enter a written adjudication nunc pro tunc of its competency determination. *See Merriell v. State*, 169 So. 3d 1287, 1289 (Fla. 1st DCA 2015). Second, we reverse and remand for resentencing, requiring that the trial court determine the amount of jail credit to which Cuffy is due for the time he was in custody in a mental institution while incompetent to stand trial. *See Tal-Mason v. State*, 515 So. 2d 738, 739-40 (Fla. 1987) (no difference between incarceration in jail and a state enforced confinement in a mental hospital in preparation of trial, and as such, detainees "must be granted credit for time served prior to

conviction in *any* institution serving as the functional equivalent of a county jail.”).

AFFIRMED and REVERSED and REMANDED with instructions and for further proceedings.

MAKAR, OSTERHAUS, and BILBREY, JJ., concur.

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

Andy Thomas, Public Defender, and Steven L. Seliger and M.J. Lord, Assistant Public Defenders, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Tabitha Rae Herrera, Assistant Attorney General, Tallahassee, for Appellee.