

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Jakari Webb v. State of Florida

Webb · No. 5D2024-1038 · Decided February 6, 2026

SUMMARY

The Fifth District Court of Appeal held that the trial court fundamentally erred by failing to independently determine Jakari Webb's competency after appointing an expert to evaluate his competency to proceed. The court reversed the convictions and sentences and remanded for a nunc pro tunc competency determination or a new trial if that determination could not be made.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Jay, C.J.; Kilbane, J.; MacIver, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	February 6, 2026
DOCKET	5D2024-1038
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from convictions and sentences for first-degree murder and resisting an officer without violence.
STANDARD OF REVIEW	Fundamental-error review
PRECEDENTIAL VALUE	published
PARTIES	Jakari Webb v. State of Florida

TOPICS

- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

- Whether the trial court fundamentally erred by failing to make an independent determination of Webb's competence after appointing an expert to evaluate his competence to proceed.

HOLDINGS

1. When the record provides reasonable grounds to believe that a defendant may not be competent, the trial court fundamentally errs by failing to make an independent determination of the defendant's competence.

KEY QUOTATIONS

“Because the record reflects that the trial court had reasonable grounds to believe that Appellant might not be competent, the court fundamentally erred when it failed to make an independent determination regarding Appellant’s competence.”

“Accordingly, we reverse and remand for a nunc pro tunc determination of Appellant’s competence at the time of trial or for a new trial, if such determination cannot be made by the court.”

FACTUAL BACKGROUND

The trial court appointed an expert to evaluate Webb's competence to proceed. The appellate record reflected that the trial court had reasonable grounds to believe Webb might not be competent, but the court failed to independently determine his competence before trial. Webb was convicted and sentenced for first-degree murder and resisting an officer without violence.

PROCEDURAL HISTORY

Webb appealed his convictions and sentences from the Circuit Court for Volusia County. The Fifth District Court of Appeal determined that the trial court fundamentally erred by failing to independently determine Webb's competence after appointing an expert to evaluate his competence to proceed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must make a nunc pro tunc determination of Webb's competence at the time of trial, or conduct a new trial if that determination cannot be made.

CASES CITED

- Carnley v. State, 403 So. 3d 1094, 1097 (Fla. 5th DCA 2025)
- Davis v. State, 418 So. 3d 851, 852 (Fla. 5th DCA 2025)

OPINION

Jakari Webb v. State of Florida

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

JAKARI WEBB,

Appellant, v.

STATE OF FLORIDA,

Appellee. On appeal from the Circuit Court for Volusia County. Randell H. Rowe, III, Judge. Matthew J. Metz, Public Defender, and Darnelle Lawshe, Assistant Public Defender, Daytona Beach, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Whitney Brown Hartless, Assistant Attorney General, Daytona Beach, for Appellee. February 6, 2026 PER CURIAM. In this appeal from his convictions and sentences for first- degree murder and resisting an officer without violence, Appellant claims that the trial court committed fundamental error in failing to make an independent determination of Appellant's competence after appointing an expert to evaluate Appellant's competence to proceed. Because the record reflects that the trial court had reasonable grounds to believe that Appellant might not be competent, the court fundamentally erred when it failed to make an independent determination regarding Appellant's competence. See *Carnley v. State*, 403 So. 3d 1094, 1097 (Fla. 5th DCA 2025); accord *Davis v. State*, 418 So. 3d 851, 852 (Fla. 5th DCA 2025). Accordingly, we reverse and remand for a nunc pro tunc determination of Appellant's competence at the time of trial or for a new trial, if such determination cannot be made by the court. *Davis*, 418 So. 3d at 852; *Carnley*, 403 So. 3d at 1097. REVERSED and REMANDED. JAY, C.J., and KILBANE and MACIVER, JJ., concur. Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. 2