

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Jakari Webb v. State of Florida

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

OPINION

Jakari Webb v. State of Florida

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 5D2024-1038 LT Case No. 2022-303030-CFDB

_____ 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