

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2007

JIMMY EUGENE COCHRAN,

Appellant,

v.

Case No. 5D06-1841

STATE OF FLORIDA,

Appellee.

Opinion filed May 4, 2007

Appeal from the Circuit Court
for Orange County,
John H. Adams, Judge.

James S. Purdy, Public Defender, and
Brynn Newton, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Lori N. Hagan, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

Cochran contends the trial court erred by conducting his trial without holding a competency hearing after having invoked the procedure for determining competency under Florida Rule of Criminal Procedure 3.210. The State properly concedes error. *Cochran v. State*, 925 So. 2d 370 (Fla. 5th DCA 2006). We vacate Cochran's convictions and sentence. We remand for a competency determination and retrial if Cochran is found competent to proceed. *Tingle v. State*, 536 So. 2d 202 (Fla. 1988).

REVERSED and REMANDED.

ORFINGER, MONACO and EVANDER, JJ., concur.