

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

SHANNON SMITH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D06-1414

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Opinion filed April 16, 2007.

An appeal from the Circuit Court for Alachua County.  
Peter K. Sieg, Judge.

Nancy A. Daniels, Public Defender, and Archie F. Gardner, Jr., Assistant Public  
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Giselle Lysten Rivera, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Shannon Smith appeals the circuit court's order denying his 3.850 motion for  
post-conviction relief. We affirm on the merits and write only to address the  
procedure used in this case, whereby appointed counsel filed a brief pursuant to

Anders v. California, 386 U.S. 738 (1967). As our sister court has noted, no Sixth Amendment right to counsel exists in appeals of orders denying post-conviction relief. See Mayolo v. State, 714 So. 2d 1124, 1124 (Fla. 4th DCA 1998). Accordingly, neither the court nor appellate counsel in postconviction matters is bound by the procedure set forth in Anders. Id. The Fourth District has now determined that it will strike Anders briefs filed in appeals of orders denying post-conviction relief and will not conduct the intensive review required by Anders. See Medrano v. State, 795 So. 2d 1009 (Fla. 4th DCA 2001). Because no Sixth Amendment right to counsel applies in this appeal, we follow the Fourth District's lead and strike the Anders brief filed in this case.

AFFIRMED.

KAHN, POLSTON, and THOMAS, JJ., CONCUR.