

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

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

CHRISTOPHER HUNTER,

Appellant,

v.

Case No. 5D20-1609
5D20-1610

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 26, 2021

Appeal from the Circuit Court
for Seminole County,
Marlene M. Alva, Judge.

Matthew J. Metz, Public Defender, and
Thomas J. Lukashow, Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Pamela J. Koller, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

Christopher Hunter appeals the partial denial of his motion for
postconviction relief filed under Florida Rule of Criminal Procedure 3.850.

We affirm in all respects but remand for the correction of a scrivener's error

in his written sentence on Count 4 in Case No. 2011-CF-003387-A to conform to the trial court's oral proclamation at resentencing. See *Beard v. State*, 27 So. 3d 186, 187 (Fla. 5th DCA 2010). Because this corrected sentence does not affect Hunter's term of incarceration, he need not be present for this ministerial act. See *Johnson v. State*, 899 So. 2d 1283, 1283 (Fla. 5th DCA 2005).

We separately note appointed postconviction counsel's *Anders*¹ brief and motion to withdraw. An *Anders* brief is unnecessary in postconviction appeals, and neither we nor appellate counsel need to follow *Anders*' procedures or requirements. See *Smith v. State*, 956 So. 2d 494, 495 (Fla. 1st DCA 2007); *Medrano v. State*, 795 So. 2d 1009, 1010 (Fla. 4th DCA 2001). Indeed, there is no right to counsel in postconviction proceedings. *Medrano*, 795 So. 2d at 1010 (citing *Pennsylvania v. Finley*, 481 U.S. 551, 554–56 (1987)). Based on the meritorious issue raised in counsel's brief, we deny the motion to withdraw. We will, however, strike postconviction *Anders* briefs going forward.

AFFIRMED and REMANDED.

COHEN, TRAVER and NARDELLA, JJ., concur.

¹ *Anders v. California*, 386 U.S. 738 (1967).