

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

MITCHELL HARRIS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D10-6875

Opinion filed November 2, 2012.

An appeal from the Circuit Court for Leon County.
Augustus D. Aikens, Jr., Judge.

Jeffrey E. Lewis, General Counsel, and Sheila Callahan, Assistant Regional
Conflict Counsel, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

This is an appeal in which the Office of Criminal Conflict and Civil
Regional Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738,

87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). We affirm the appellant's judgment and sentence with the exception of certain costs imposed.

We strike the \$100 indigent legal assistance lien imposed pursuant to section 938.29, Florida Statutes (2009), because the trial court did not give the appellant notice of the lien or his right to a hearing to contest the amount. See *McCarthan v. State*, 91 So. 3d 268 (Fla. 1st DCA 2012). On remand, the trial court may only reimpose the lien if it provides the appellant with the requisite notice. See *Vaughn v. State*, 65 So. 3d 138 (Fla. 1st DCA 2011).

We also strike the \$20 court cost imposed pursuant to section 938.06, Florida Statutes (2009), because no fine was properly imposed. See *Mallory v. State*, 70 So. 3d 738 (Fla. 1st DCA 2011).

Accordingly, we AFFIRM in part, REVERSE in part, and REMAND for proceedings consistent with this opinion.

ROBERTS, WETHERELL, and SWANSON, JJ., CONCUR.