

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH
DISTRICT**

Safir S. Kazi v. State of Florida

Kazi · No. 5D22-2521 · Decided April 28, 2023

SUMMARY

In this Anders appeal, the Fifth District Court of Appeal of Florida affirmed the judgment and sentence imposed on Safir S. Kazi. The court remanded with directions for the trial court to strike Kazi's motion to withdraw plea and the related order because both were filed after the notice of appeal.

OPINION

PER CURIAM.

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 SAFIR S. KAZI, Appellant, v. Case No. 5D22-2521 LT
Case No. 2022-CF-1146-A STATE OF FLORIDA, Appellee.
_____/ Opinion filed April 28, 2023 Appeal from the Circuit
Court for Seminole County, Melissa Souto, Judge.

Matthew J. Metz, Public Defender, and Joseph Chloupek, Assistant Public Defender, Daytona Beach, for Appellant. Ashley Moody, Attorney General, Tallahassee, and Richard A. Pallas, Jr., Assistant Attorney General, Daytona Beach, for Appellee. PER CURIAM.

In this Anders¹ appeal, we affirm the judgment and sentence imposed by the trial court. However, as raised in the Appellant's brief, we remand for the lower court to strike Appellant's motion to withdraw plea and the order on the motion, both of which were filed after Appellant filed his notice of appeal. See *Payet v. State*, 47 Fla. L. Weekly D1705 (Fla. 5th DCA Aug.

12, 2022) (affirming judgments and sentences in Anders appeal but remanding with instructions for trial court to strike the defendant's motion to withdraw plea and the order on the motion that were both filed subsequent to the notice of appeal). AFFIRMED; REMANDED with directions to strike Appellant's motion to withdraw plea and the order entered on the motion that were both filed after his notice of appeal.

EDWARDS, JAY and BOATWRIGHT, JJ., concur. 1 *Anders v. California*, 386 U.S. 738 (1967). 2

