

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10881
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT December 5, 2005 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 04-00437-CR-T-26TBM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEXANDRE ANCHICO,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(December 5, 2005)

Before CARNES, MARCUS and PRYOR, Circuit Judges.

PER CURIAM:

Susan Hartman Swartz, court-appointed counsel for appellant, Alexandre Anchico, in this direct criminal appeal, moves to withdraw from further representation of the appellant and has submitted a brief pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). Anchico filed a response, in which he states that he wishes to raise unspecified issues of arguable merit and that Swartz has provided ineffective assistance of counsel. Anchico also moves this Court for appointment of a new attorney.

Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct. To the extent Anchico seeks to assert ineffective-assistance-of-counsel claims in this direct appeal, the Supreme Court has held that a motion brought under 28 U.S.C. § 2255, rather than a direct appeal, is the preferred method to assert such a claim. See Massaro v. United States, 538 U.S. 500, 504-05, 123 S. Ct. 1690, 155 L. Ed. 2d 714 (2003). Moreover, we do not find that counsel's alleged ineffectiveness is apparent from the record before us. Cf. United States v. Freixas, 332 F.3d 1314, 1319 n.3 (11th Cir. 2003) (Although we typically entertain ineffectiveness claims on collateral review, we may do so in the context of a direct appeal if the record is sufficiently developed, as it plainly is here." (emphasis added)).

Because independent examination of the record reveals no issues of arguable merit, Anchico's motion for appointment of counsel is **DENIED**, counsel's motion to withdraw is **GRANTED**, and Anchico's conviction and sentence are **AFFIRMED**.