

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Ivere Lee Hugger, III v. State of Florida

No. 1D2024-1756 (Fla. 1st DCA Jan. 28, 2026) · No. No. 1D2024-1756 · Decided January 28, 2026

SUMMARY

The First District Court of Appeal of Florida affirmed Ivere Lee Hugger, III’s judgment and sentence for robbery while armed with a firearm. The court held that any Alleyne-related error in determining his prison releasee reoffender status without submitting the issue to a jury was harmless beyond a reasonable doubt because the record established his eligibility and defense counsel stipulated to it.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Lewis, J.; Rowe, J.; Nordby, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	January 28, 2026
DOCKET	No. 1D2024-1756
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hugger appealed his judgment and sentence for robbery while armed with a firearm and, while the appeal was pending, moved under Florida Rule of Criminal Procedure 3.800(b) to correct an alleged unconstitutional sentencing error in his prison releasee reoffender sentence.
STANDARD OF REVIEW	Harmless error beyond a reasonable doubt; under section 924.051(3), a judgment or sentence may be reversed only upon a determination, after review of the complete record, that prejudicial error occurred.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Ivere Lee Hugger, III v. State of Florida

TOPICS

- sentencing
- harmless error
- sixth amendment
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court committed an Alleyne violation by determining, rather than submitting to a jury, the fact that Hugger committed the robbery within three years of release from a prior term of imprisonment for purposes of the prison releasee reoffender sentencing enhancement.
2. Whether any such Alleyne error was harmless beyond a reasonable doubt.

HOLDINGS

1. Any error in failing to submit the prison releasee reoffender determination to a jury was harmless beyond a reasonable doubt because the certified records and defense stipulation established without contradiction that Hugger qualified for the enhancement.

KEY QUOTATIONS

“The error alleged here is harmless if the record establishes beyond a reasonable doubt that “a rational jury,” if properly instructed, “would have found” the fact necessary to qualify Hugger for the sentencing enhancement.” (at 2)

“Based on the uncontroverted evidence, any error in not submitting the PRR determination to a jury was harmless beyond a reasonable doubt.” (at 2)

FACTUAL BACKGROUND

Hugger was convicted and sentenced for robbery while armed with a firearm. The State introduced a certified Department of Corrections Crime and Time Report showing that Hugger was released from prison less than twenty-seven months before committing the robbery. Defense counsel stipulated that Hugger qualified as a prison releasee reoffender.

PROCEDURAL HISTORY

The Circuit Court for Taylor County denied Hugger’s Rule 3.800(b) motion, which argued that the trial court violated Alleyne by making the factual determination that he committed the robbery within three years of release from a prior imprisonment. The First District Court of Appeal affirmed the judgment and sentence, holding that any failure to submit the prison-releasee-reoffender determination to a jury was harmless beyond a reasonable doubt.

DISPOSITION

affirmed

CASES CITED

- Alleyne v. United States, 570 U.S. 99, 114-15 (2013)
- State v. Manago, 375 So. 3d 190, 199 (Fla. 2023)
- Williams v. State, 242 So. 3d 280, 290 (Fla. 2018)
- Jett v. State, 50 Fla. L. Weekly D2604 (Fla. 1st DCA Dec. 10, 2025)

- Hicks v. State, 50 Fla. L. Weekly D2238 (Fla. 1st DCA Oct. 15, 2025)
- Dowdell v. State, 50 Fla. L. Weekly D2236 (Fla. 1st DCA Oct. 15, 2025)
- McGlaun v. State, 420 So. 3d 634, 636 (Fla. 1st DCA 2025)
- Neder v. United States, 527 U.S. 1, 19 (1999)

OPINION

Ivere Lee Hugger, III v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2024-1756 _____

IVERE LEE HUGGER, III,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Taylor County. Gregory Parker, Judge. January 28, 2026 PER CURIAM. Ivere Lee Hugger, III, appeals his judgment and sentence for robbery while armed with a firearm. While his appeal was pending, Hugger moved to correct a sentencing error under Florida Rule of Criminal Procedure 3.800(b), claiming that his sentence as a prison releasee reoffender (PRR) is unconstitutional. Hugger asserted that the trial court committed an Alleyne * error when it * Alleyne v. United States, 570 U.S. 99, 114–15 (2013) (reaffirming that “[w]hen a finding of fact alters the legally prescribed punishment so as to aggravate it, the fact necessarily made the factual determination necessary to establish his PRR status—specifically, that he committed the robbery within three years of his release from a prior term of imprisonment. The trial court denied Hugger’s motion. We affirm, concluding that any error here was harmless beyond a reasonable doubt. “A judgment or sentence may be reversed on appeal only when an appellate court determines after a review of the complete record that prejudicial error occurred” § 924.051(3), Fla. Stat. The error alleged here is harmless if the record establishes beyond a reasonable doubt that “a rational jury,” if properly instructed, “would have found” the fact necessary to qualify Hugger for the sentencing enhancement. State v. Manago, 375 So. 3d 190, 199 (Fla. 2023) (quoting Williams v. State, 242 So. 3d 280, 290 (Fla. 2018) (setting forth the harmless error test for Alleyne violations)). When applying this standard, we consider “the weight of the evidence in the record, including credibility concerns, and any conflicting evidence” that bears on the fact in question. Manago, 375 So. 3d at 199.

On this record, there can be no reasonable doubt that Hugger qualified for sentencing as a PRR. The State introduced a certified copy of the Department of Corrections Crime and Time Report, showing that Hugger was released from prison less than twenty- seven months before he committed the robbery in this case. Defense counsel also stipulated that Hugger qualified as a

PRR. Based on the uncontroverted evidence, any error in not submitting the PRR determination to a jury was harmless beyond a reasonable doubt. See *Jett v. State*, 50 Fla. L. Weekly D2604 (Fla. 1st DCA Dec. 10, 2025); *Hicks v. State*, 50 Fla. L. Weekly D2238 (Fla. 1st DCA Oct. 15, 2025); *Dowdell v. State*, 50 Fla. L. Weekly D2236 (Fla. 1st DCA Oct. 15, 2025); *McGlaun v. State*, 420 So. 3d 634, 636 (Fla. 1st DCA 2025); see also *Neder v. U.S.*, 527 U.S. 1, 19 (1999) (“[W]here a defendant did not, and apparently could not, forms a constituent part of a new offense and must be submitted to the jury”). 2 bring forth facts contesting the omitted element, answering the question whether the jury verdict would have been the same absent the error does not fundamentally undermine the purposes of the jury trial guarantee.”). The judgment and sentence are AFFIRMED. LEWIS, ROWE, and NORDBY, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Jessica J. Yeary, Public Defender, and Danielle Jorden, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Miranda Lee Butson, Assistant Attorney General, Tallahassee, for Appellee. 3