

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)

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