

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

DANIEL CHAPA,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D12-3138

[March 11, 2015]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Robert E. Belanger, Judge; L.T. Case No. 2011CF000438.

Carey Haughwout, Public Defender, and John M. Conway, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Nancy Jack, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Appellant challenges his sentence under the Prison Releasee Reoffender Act, arguing that, under *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Alleyne v. United States*, 133 S. Ct. 2151 (2013), the Act unconstitutionally allowed the judge, rather than the jury, to find appellant qualified as a prison releasee reoffender. We affirm, adopting the reasoning of *Williams v. State*, 143 So. 3d 423 (Fla. 1st DCA 2014), and *Lopez v. State*, 135 So. 3d 539 (Fla. 2d DCA 2014), which hold that the facts found by the judge under the Act are not elements of the offense and are within the “prior conviction” exception to *Apprendi*.

Affirmed.

WARNER, MAY and GERBER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.