

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2023-3115

DEXTER LAWSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Gadsden County.
James Lee Marsh, Judge.

November 5, 2025

PER CURIAM.

Dexter Lawson appeals his convictions of attempted murder, theft, and tampering with evidence. We reject his claims that the trial court erred in failing to permit him to reopen his case and that fundamental error occurred in the State's closing argument. Lawson also claims that his sentence as a prison releasee reoffender was unconstitutional because the determination of whether he was released from prison within three years of committing his current offense was not made by the jury. Even if we presume that the court erred by failing to require a jury determination, we find that such error was harmless beyond a reasonable doubt. *Hicks v. State*, 50 Fla. L. Weekly D2238a (Fla. 1st DCA Oct. 15, 2025); *Dowdell v. State*, 50 Fla. L. Weekly D2236c

(Fla. 1st DCA Oct. 15, 2025); *McGlaun v. State*, 50 Fla. L. Weekly D2178a (Fla. 1st DCA Oct. 1, 2025).

AFFIRMED.

RAY and KELSEY, JJ., concur. WINOKUR, J., concurs with opinion.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

WINOKUR, J., concurring.

Lawson made his constitutional claim by motion under Florida Rule of Criminal Procedure 3.800(b). Consistent with my opinion in *Hicks v. State*, 50 Fla. L. Weekly D2238a (Fla. 1st DCA Oct. 15, 2025), I conclude that this issue raises an error in the sentencing process and, therefore, may not be raised by motion under rule 3.800(b). Nonetheless, I agree that we should affirm because the error was harmless.

Jessica J. Yeary, Public Defender, and Danielle Jorden, Assistant Public Defender, Tallahassee, for Appellant.

James Uthmeier, Attorney General, and Amanda A. Uwaibi, Assistant Attorney General, Tallahassee, for Appellee.