

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10149
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALONZO B. HILL, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:19-cr-00084-RH-MAF-1

Before LUCK, ABUDU, and KIDD, Circuit Judges.

PER CURIAM:

Alonzo Hill pleaded guilty to possessing a firearm as a convicted felon and the district court sentenced him to the enhanced

fifteen-year mandatory minimum under the Armed Career Criminal Act. After his sentence, the Supreme Court decided *Erlinger v. United States*, 602 U.S. 821 (2024), which held that the Act’s different-occasions requirement is a jury question. On appeal, Hill contends that his plea wasn’t knowing or voluntary because the district court didn’t tell him about his right to a jury trial on the different-occasions requirement. And Hill argues that the district court erred in imposing the fifteen-year mandatory minimum under the Act because a jury didn’t find that he committed his qualifying prior offenses on different occasions. After careful review, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Officers with the Leon County Sheriff’s Office executed a search warrant at Hill’s home. During the search, they found crack cocaine and a firearm. Hill’s DNA was on the firearm. A federal grand jury returned a two-count indictment charging Hill with possessing cocaine base with the intent to distribute and possessing a firearm as a convicted felon.

Change of Plea Hearings

Instead of going to trial, Hill asked to plead guilty to both counts. When questioned at his change of plea hearing, Hill admitted that he possessed the cocaine base and intended to sell it but he claimed that the firearm belonged to someone else. Even so, he was “adamant that he d[id] not want to go to trial.” The district court found that Hill’s DNA on the firearm provided a factual basis

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for his possession but the court didn't accept the guilty plea because Hill denied knowing about the firearm.

A month later, Hill asked for a second change of plea hearing. At that hearing, the district court discussed the rights Hill was waiving: he had "the right to a trial by jury," "the right to be represented by a lawyer at every stage of the case," "the right to remain silent," "the right to confront witnesses," "the right to present evidence," and "the right to compel the attendance of witnesses." Hill swore that he understood his rights and that he was waiving them by pleading guilty.

The district court then went over the charges. Hill, the court explained, was charged with "possessing crack cocaine with the intent to distribute it on July 25th, 2019," and with "possessing a firearm as a convicted felon again on July 25th." Hill averred that he understood the charges against him. And he agreed that he held the firearm knowing he was a convicted felon. Hill explained that he was confused at the first change of plea hearing because he thought that to "be in possession of the firearm he had to own it."

Finally, the district court reviewed Hill's potential sentence. Hill, the court told him, faced a "minimum sentence" of fifteen years "based on [his] prior record." Understanding the rights he was waiving, the charges against him, and the possible sentence, Hill pleaded guilty, and the district court found the plea was "entered knowingly, voluntarily, and intelligently."

Motion to Withdraw Guilty Plea

Before sentencing, Hill moved to withdraw his plea on the firearm count. But when the district court held a hearing on the motion, Hill said that he wanted “to withdraw the motion to withdraw the plea.” At Hill’s request, the district court “den[ied] the motion to withdraw the plea on the grounds that the motion has itself been withdrawn.”

Sentencing Hearing

The district court then held a sentencing hearing. It concluded that Hill qualified for the enhanced fifteen-year mandatory minimum sentence under the Armed Career Criminal Act because he had three qualifying prior convictions. Hill was first arrested in Leon County in April 2003 and later convicted for possessing cocaine with the intent to distribute. His second conviction was for possessing cocaine with the intent to distribute in Gadsden County in June 2003. His third conviction was for the sale of synthetic narcotics within 1,000 feet of a school in Leon County in October 2015.

Hill didn’t object to the enhanced sentence under the Act. So, the district court sentenced him to the mandatory minimum. Hill appeals his conviction and sentence.

DISCUSSION

He raises two issues on appeal. First, he argues that his conviction was based on an unknowing and involuntary guilty plea because the district court failed to inform him that he had a right to a

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jury trial on the Act's different-occasions requirement. And second, Hill contends that his sentence must be vacated because the district court, and not a jury, decided whether his three qualifying prior convictions occurred on different occasions.

Hill's Plea

Starting with his plea, Hill asserts that, during his change of plea hearing, the district court failed to explain how the Armed Career Criminal Act applied to his case. The court, he argues, didn't tell him that "he was admitting that he possessed [a] firearm as an armed career criminal," that the different-occasions requirement "was an element of the charged offense," and that he had a right to a jury determination of whether his three qualifying prior offenses occurred on different occasions. As a result, Hill maintains, his plea wasn't knowing and voluntary. Because Hill didn't object to his plea in the district court, we review this issue for plain error. See *United States v. Monroe*, 353 F.3d 1346, 1349 (11th Cir. 2003).

Federal Rule of Criminal Procedure 11 requires a district court to inform a defendant of the nature of the charges against him and the rights he is giving up at the change of plea hearing. Fed. R. Crim. P. 11(b)(1). The core principles of a knowing and voluntary guilty plea are: "(1) that the defendant enters his plea free from coercion, (2) that he understands the nature of the charges, and (3) that he understands the consequences of his plea." *United States v. Presendieu*, 880 F.3d 1228, 1238 (11th Cir. 2018). We have found plain error in a guilty plea only where there's "a total or abject failure to address" these three core principles. *Id.* at 1239;

see also Monroe, 353 F.3d at 1354 (noting on plain-error review we examine whether “the overall plea colloquy adequately addresse[d] the[] three core concerns”).

Here, looking at the overall change of plea hearing, there was not a total and abject failure to address the three core principles. First, Hill was not coerced into pleading guilty. Hill testified that no one had promised him a specific sentence; no one had promised him a benefit for assisting the government; and he was not pressured, threatened, or forced to plead guilty. Hill went over the plea agreement word-for-word, and he had as much time as he needed to talk with his attorney and ask any questions.

Second, Hill understood the nature of the charges against him. The district court explained that Hill was charged “in two counts.” “[O]ne [was] possessing crack cocaine with the intent to distribute it on July 25th, 2019.” And “[t]he second charge [was] possessing a firearm as a convicted felon again on July 25th, 2019.” Hill averred that he understood what he was charged with, and he had talked over the charges with his attorney.

And third, Hill knew the consequences of his guilty plea. The district court reviewed the rights he was giving up by pleading guilty—including his jury-trial right—and Hill agreed that he was waiving his rights. Hill also knew the possible sentences he faced by pleading guilty, and specifically that he was subject to the mandatory minimum on the felon-in-possession count.

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Because the district court addressed the three core principles at Hill's change of plea hearing, there was no plain error in his guilty plea.

Hill's Sentence

For the first time on appeal, Hill contends that the district court erred in imposing the fifteen-year mandatory minimum under the Act because a jury, instead of the district court, should have decided whether his three qualifying prior offenses occurred on different occasions. The Supreme Court recently agreed. In *Erlinger*, it held that the different-occasions inquiry "must be resolved by a unanimous jury beyond a reasonable doubt (or freely admitted in a guilty plea)." 602 U.S. at 854. Neither occurred here.

Normally, because there was no objection below, we would review the issue for plain error. But Hill argues that the *Erlinger* error is structural, which means it would require automatic reversal. See *Washington v. Recuenco*, 548 U.S. 212, 218 (2006). In *United States v. Rivers*, 134 F.4th 1292, 1305–06 (11th Cir. 2025), we rejected Hill's *Erlinger*-error-is-structural-error argument. And, in *United States v. Edwards*, 142 F.4th 1270, 1279 (11th Cir. 2025), we applied plain-error review to an unpreserved *Erlinger* argument. We do the same here with Hill's unpreserved error.

Under plain-error review, Hill must show that the district court (1) erred, (2) that the error was plain, (3) that the error affected his substantial rights, and (4) that the error seriously affected the fairness, integrity, or public reputation of the judicial proceedings. See *United States v. Rodriguez*, 398 F.3d 1291, 1298 (11th Cir.

2005). For the third-prong, Hill had to “show a reasonable probability that a jury would have concluded that he committed the three predicate crimes on fewer than three occasions.” *See Edwards*, 142 F.4th at 1281–82.

He can do that by looking to the timing, location, and character of the prior offenses. *See id.* at 1279. “In many cases, a single factor—especially of time or place—can decisively differentiate occasions.” *Wooden v. United States*, 595 U.S. 360, 370 (2022). In *Smith*, for example, two of the defendant’s prior cocaine offenses occurred within six days of each other. *United States v. Smith*, No. 23-10003, — F.4th —, 2026 WL 2544246, at *7 (11th Cir. Aug. 28, 2026). Because they took place “almost a full week apart,” we concluded that the defendant failed to show that the prior offenses occurred on the same occasion. *Id.* When the defendant’s prior offenses are at least a week apart, we explained, “it will be exceedingly difficult for a defendant to show the required reasonable probability.” *Id.* at *8.

This case is no different. Hill had three prior qualifying offenses that occurred far more than a week apart, with each one involving either a different drug or a different county. Hill was arrested for his first offense—involving cocaine—in April 2003 in Leon County. The second offense—also involving cocaine—occurred about two months later in June 2003 in Gadsden County. The third offense—involving synthetic narcotics—occurred years later in October 2015 in Leon County. The closest offenses were nearly two months apart and were committed in different counties. And Hill has provided no explanation for how “his case is the rare

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exception” where offenses committed weeks—or, as here, months and years—apart still occurred on the same occasion. *Id.* Following *Smith*’s lead, we conclude Hill hasn’t met his burden to show that any *Erlinger* error affected his substantial rights. *Id.*; accord *United States v. Penn*, 63 F.4th 1305, 1318 (11th Cir. 2023) (“No reasonable person would say that [the defendant’s] two sales of cocaine, thirty days apart, occurred on the same occasion.”).

There was no plain error. That means his conviction and sentence must be affirmed.

AFFIRMED.