



RON DESANTIS
GOVERNOR

May 26, 2026

Warden Randall Polk
Florida State Prison
7819 N.W. 228th Street
Raiford, Florida 32036-1000

Re: Execution Date for Dusty Ray Spencer, DC# 321031

Dear Warden Polk:

Enclosed is the death warrant that I signed to carry out the sentence for Dusty Ray Spencer, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Thursday, June 25, 2026, through 12:00 noon on Thursday, July 2, 2026, for the execution. I have been advised that you have set the date and time of execution for Thursday, June 25 at 6:00 p.m.

This letter is incorporated into and made a part of the death warrant identified above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

Enclosures

DEPARTMENT OF STATE
TALLAHASSEE, FL
2026 MAY 26 PM 2:01

FILED

Warden Randall Polk
May 26, 2026
Page 2

cc:

Honorable John D. Couriel
Chief Justice
Supreme Court of Florida
500 S. Duval Street
Tallahassee, Florida 32399

Office of Executive Clemency
4070 Esplanade Way
Building C, Room 229
Tallahassee, Florida 32399-2450

Honorable Lisa T. Munyon
Chief Judge, 9th Judicial Circuit
425 N Orange Ave., Suite 2010
Orlando, Florida 32801

Dusty Ray Spencer, DC# 321031
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32083

Secretary Ricky Dixon
Department of Corrections
501 S. Calhoun Street
Tallahassee, Florida 32399-2500

Maria Deliberato
ACLU
201 W Main Street, Suite 402
Durham, NC 27701

Marilyn Muir
Associate Deputy Attorney General
Office of the Attorney General
The Capitol, FL-01
Tallahassee, Florida 32300-0001

Julissa Fontan
Capital Collateral Regional Counsel
Middle
12973 N. Telecom Parkway
Temple Terrace, Florida 33637



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

May 26, 2026

The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: Dusty Ray Spencer

Dear Governor DeSantis:

In December 1991, Dusty Ray Spencer was arrested after choking and threatening to kill his wife, Karen Spencer. While in jail, Spencer called Karen and warned her that when he was released, he was going to finish what he started. On January 4, 1992, Karen's teenage son, Timothy Johnson, witnessed Spencer beating Karen. When Timothy tried to intervene, Spencer beat him with a clothes iron. On the morning of January 18, 1992, Timothy was awakened by a commotion outside. He grabbed a rifle from his mother's bedroom and found Karen and Spencer in the backyard. Spencer was hitting Karen in the head with a brick. Timothy tried to shoot Spencer, but the rifle misfired so he struck Spencer in the head with the butt of the rifle. Undeterred, Spencer continued beating Karen, slamming her head into the concrete wall of the house. When Timothy attempted to carry his mother away, Spencer threatened him with a knife. Timothy ran to a neighbor's house to summon aid and when the police arrived they found Karen dead. She had been stabbed several times in the chest, had cuts on her face and arms, and suffered blunt force trauma to the back of her head. Spencer was convicted of first-degree murder and sentenced to death.

The Florida Supreme Court affirmed Spencer's first-degree murder conviction but remanded to the trial court for resentencing. *Spencer v. State*, 645 So. 2d 377 (Fla. 1994). Spencer was again sentenced to death. The Florida Supreme Court affirmed the sentence and the Supreme Court of the United States denied certiorari. *Spencer v. State*, 691 So. 2d 1062 (Fla. 1996) *cert. denied*, 522 U.S. 884 (October 6, 1997).

In the decades that followed, Spencer engaged in unsuccessful litigation in state and federal courts. *See Spencer v. State*, 842 So. 2d 52 (Fla. 2003) (affirming the denial of postconviction relief and denying petition for writ of habeas corpus); *Spencer v. Crosby*, 2006 WL 7069916 (M.D. Fla. 2006) (denying federal petition for writ of habeas corpus); *aff'd*, *Spencer v.*

Secretary, Dep't of Corr., 609 F.3d 1170 (11th Cir. 2010), *cert. denied*, 562 U.S. 1203 (2011); *Spencer v. State*, 23 So. 3d 712 (Fla. 2009) (affirming the denial of successive postconviction relief); *Spencer v. State*, 259 So. 3d 712 (Fla. 2018) (affirming the denial of *Hurst* relief); *aff'd*, *Spencer v. Florida*, 587 U.S. 1028 (2019).

The record has been reviewed and there are no stays of execution issued by any court of competent jurisdiction in this cause. Based upon the above-referenced summary of litigation affirming the judgment and sentence of death imposed for first-degree murder, the record is legally sufficient to support the issuance of a death warrant.

Sincerely,



James Uthmeier
Attorney General

COURT MINUTES ORDER (PLEA/SENTENCING/RELEASE)
STATE OF FLORIDA VS RESENTENCING ASTO
COURT ONE ONLY

IN THE CIRCUIT COURT IN AND FOR ORANGE
COUNTY, FLORIDA
CASE 0192-473
DIVISION 16

Dusty Ray Spencer
CHARGED WITH:

1) MURDER 1^o
COURT OPENED AT 4:10 pm HONORABLE B. Perry, Jr. JUDGE
ASSISTANT PUBLIC DEFENDER _____ ASSISTANT STATE ATTORNEY D. Sedgwick
COURT REPORTER J. FOLK COURT DEPUTY R. DAVENPORT

This case came on this date for RE Plea RE sentencing RE Trial RE Pre-Trial.
The Defendant was present, not present, present with Counsel D. Smallwood
Plea of not guilty withdrawn. Defendant tried and found guilty of: Defendant sworn and pled Guilty to:
Nolo Contendere to:

thru sworn interpreter _____
Defendant reserves right to appeal Adjudication of Guilt withheld, finding of guilt entered.
Defendant adjudged guilty. \$5.00 C.C. \$50.00 C.C.F. \$200.00 C.J.T.F. or \$50.00 C.J.T.F.(27.3455)

P.S.I. ORDERED. It is hereby Ordered that the Department of Corrections submit P.S.I. or a scoresheet of Defendant and deliver a written report of same to the undersigned Judge within two working days before sentencing. STATUS _____

Sentencing set for _____, 19____, at _____ M., Courtroom _____
P.S.I. Bond set at _____ P.D.R. ORDERED. P.S.I. waived.

SENTENCING:
Adjudication of guilt was withheld, a finding of guilt entered.
Defendant adjudged guilty. \$5.00 C.C. \$50.00 C.C.F. \$200.00 C.J.T.F. (27.3455) or \$50.00 C.J.T.F.

SENTENCE:
DEATH/ TO AWAIT THE IMPOSITION
OF THE DEATH PENALTY
W/CREDIT FOR 338 DYO TIME
SERVED WITH CREDIT FOR ANY PREV.
SERVED D.O.C. TIME CONS. TO ANY ACTIVE
RELEASE - Defendant is Ordered released from custody as to this case only. SENTENCE

DONE AND ORDERED this _____ day of _____, 19____.

AFF. INSOLVENCY
PD APPOINTED

FILED IN OPEN COURT THIS 18 DAY OF JAN, 1995. Distribution: Surety/Cash Bond
Defendant
Probation/Parole
Court Deputy
by: P. Wilson DEPUTY CLERK in attendance.

COURT RECESSED at _____
32-60(B) (7/94)
Circuit Judge _____
State of Florida, County of Orange
I hereby certify that the above and foregoing is a true and correct copy of the instrument. Consideration has been removed, pursuant to Fla. R. Gov. Prac. Jud. Adm. 25.0. on _____ day of _____ 20____.
Witness my hand and official seal this _____ day of _____ 20____.
Tiffany Moore Dussan, Clerk of the Circuit Court
By: _____ Deputy Clerk



DUSTY RAY SPENCER

**RE -
SENTENCE**

(As to Count ONE)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, _____
D. Smallwood, and having been adjudicated guilty herein, and the court having given the defendant
an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should
not be sentenced as provided by law, and no cause being shown,

(Check one if applicable.)

_____ and the Court having on _____ deferred imposition of sentence until this date.
(date)

_____ and the Court having previously entered a judgment in this case on _____ now resentences
the defendant. (date)

_____ and the Court having placed the defendant on probation/community control and having subsequently revoked
the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

_____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____
as the 5% surcharge required by section 960.25, Florida Statutes.

J The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of Orange County, Florida.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

_____ For a term of natural life.

TO AWAIT THE IMPOSITION OF THE DEATH PENALTY.
For a term of _____.

FILED IN OPEN COURT
THIS 18 DAY OF JAN, 1995

Fran Carlton, Clerk
P. W. Wilcox D.C.

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in
this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ on probation/community control under the supervision of the
Department of Corrections according to the terms and conditions of supervision set forth in a separate order
entered herein.

_____ However, after serving a period of _____ imprisonment in _____, the
balance of the sentence shall be suspended and the defendant shall be placed on probation/community
control for a period of _____ under supervision of the Department of Corrections
according to the terms and conditions of probation/community control set forth in a separate order entered
herein.

**In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be
satisfied before the defendant begins service of the supervision terms.**

**CONSECUTIVE/
CONCURRENT**

It is further ordered that the sentence imposed for this count shall run _____ Consecutive to
_____ Concurrent with (check one) the sentence set forth in count _____ above.

SPECIAL PROVISIONS

(As to Count ONE)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Firearm (Police Officer Weapon) _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.0875, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit 2 It is further ordered that the defendant shall be allowed a total of 338 days as credit for time incarcerated before imposition of this sentence.

Prison Credit 2 It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. CR92-473
DIVISION: 16

vs.

DUSTY RAY SPENCER,
Defendant.

FILED IN OPEN COURT
THIS 18 DAY OF JAN, 1995

Fran Carlton, Clerk

RE-SENTENCING ORDER

BY P. Wilson D.C.

The Defendant, Dusty Ray Spencer, was indicted by the Grand Jury on February 6, 1992, for the offenses of Murder in the First Degree, Aggravated Assault, Attempt to Commit Murder in the First Degree and Aggravated Battery. An amended indictment was filed on October 14, 1992, reflecting the same charges, but correcting a possible technical error.

The jury on November 7, 1992, found the Defendant guilty of the First Degree Murder of Karen Spencer (Count I), the Aggravated Assault upon Timothy Johnson (Count II), the Attempt to Commit Murder in the Second Degree upon Karen Spencer (Lesser included offense of Count III), and the Aggravated Battery upon Timothy Johnson (Count IV).

The jury on December 8 and 9, 1992, reconvened to consider evidence presented by both the State and Defense concerning mitigating and aggravating factors. At the conclusion of the testimony presented by the State and Defense, the Court and the jury heard arguments of counsel for both the State and the Defendant. After the Court had instructed the jury as required by law on the advisory sentencing procedure, the jury recommended to the Court that it impose the death penalty upon the Defendant, Dusty Ray Spencer for the First Degree Murder of Karen Spencer. The jury's advisory sentence was by a margin of 7 to 5 for death. The jury was then polled and each juror affirmed that the written advisory sentence was correct.

The Court on December 18, 1992, heard additional arguments and received legal memoranda on behalf of the State and Defense concerning the imposition of the death penalty upon the Defendant. On December 21, 1992, the Court imposed a sentence of death upon the Defendant. (See appendix "A")

The Supreme Court of Florida on September 22, 1994, vacated the Defendant's sentence of death and remanded this case for the Court to reconsider its sentence of death in view of the Court's opinion. A mandate was issued by Supreme Court of Florida on January 5, 1995. The Supreme Court found the evidence did not support the Court finding that this homicide was committed in a cold, calculated, and premeditated manner. The Supreme Court found that the evidence supported the finding of the mitigating circumstances of extreme mental disturbance and impaired capacity. In view of the findings of the Supreme Court, this Court was directed to reweigh the aggravating and mitigating circumstances to ascertain whether the aggravation outweighs the mitigation.

The Court on January 11, 1995, heard additional arguments on behalf of the State and Defense concerning the imposition of the death penalty upon the Defendant, Dusty Ray Spencer.

SUMMARY OF AGGRAVATING AND MITIGATING CIRCUMSTANCES

A review of the aggravating circumstances reveals that the State had proved the following two aggravated circumstances beyond a reasonable doubt:

1. THE DEFENDANT WAS PREVIOUSLY CONVICTED OF ANOTHER CAPITAL FELONY OR OF A FELONY INVOLVING THE USE OR THREAT OF VIOLENCE TO THE PERSON.

The evidence established that the Defendant was convicted on November 7, 1992, of the Aggravated Assault of Timothy Johnson (Count II), which occurred on January 18, 1992; the Attempt to Commit Murder in the Second Degree upon Karen Spencer (Count III), which occurred on January 4, 1992; and the Aggravated Battery upon Timothy Johnson (Count IV), which occurred on January 4, 1992. The jury also returned a verdict of guilty for the First Degree Murder of Karen Spencer (Count I), on November 7, 1992, and the Court adjudged the Defendant to be guilty of those offenses.

Contemporaneous convictions of a violent felony may qualify as an aggravating circumstance, so long as the crimes involved multiple victims or separate episodes. Wasko v. State, 505 So.2d 1314 (Fla.1987); Pardo v. State, 563 So.2d 77 (Fla.1990). The convictions for Aggravated Assault, Attempt to Commit Murder in the Second Degree, and Aggravated Battery clearly meets the requirement of multiple victims or separate episodes and are felonies that involve the use or threat of violence to persons. This Court finds this aggravating factor present.

2. THE CAPITAL FELONY WAS ESPECIALLY HEINOUS, ATROCIOUS, OR CRUEL.

On the morning of January 18, 1992, Timothy Johnson was awakened by the screams of his mother, Karen Spencer. Mr. Johnson ran to the hall looking for his mother, but did not see her. At this point he retrieved a rifle that was located on her bed and went outside. Mr. Johnson went around to the side of the house and observed the Defendant striking his mother, Karen Spencer, in the head and face with a brick. Mr. Johnson noticed that her facial area was completely covered with blood and that her face was cut.

Mr. Johnson then struck the Defendant with the butt of the rifle, since the rifle was not operative. The Defendant then stood up and said your mother fucked up my life. The Defendant then lifted up her nightgown and said "show your boy your pussy" and he began to bang her head against the wall of the house, while the victim, Karen Spencer, was saying, "stop." The Defendant at some point stopped his attack upon the victim, Karen Spencer, which permitted Mr. Johnson to approach his mother and pick her up. After picking his mother up Mr. Johnson was approached by the Defendant with a knife which caused him to leave to seek help.

Dr. William R. Anderson, Deputy Chief Medical Examiner, testified at the trial and the sentencing hearing to the following:

1. That he performed an autopsy on the victim, Karen Spencer and that his autopsy revealed that the victim suffered three different injury patterns. These injury patterns consisted of blunt force injuries, stabbing injuries with a sharp instrument, and slashing injuries with a sharp instrument.
2. That the victim suffered a slice-type slash wound (Reflected in State's Exhibit 29) extending from the forehead, cutting the nasal cartilage, cutting the upper lip open, coming down across the mouth, slicing the lower lip, going back into the posterior jaw and continuing along the chin area, and a slashing wound of the neck (Reflected in State's Exhibit 37).
3. That the victim suffered blunt force trauma to the head and five stab wounds of the chest area. Two of the stab wounds of the chest were penetrating wounds. One of these penetrating wounds of the chest went through the sternum, up the breast bone and back into the heart, striking the atrium (the pumping chambers that receive blood in the heart). The other penetrating wound of the chest went into the lung partially cutting one of the breathing tubes that goes into the lung causing blood to enter the sac surrounding the heart and causing blood to enter the lung.

4. That the victim had defensive wounds of the arm indicating that she was trying to defend herself against some sort of weapon.

5. That the victim experienced pain and suffering as a result of these wounds; that the victim was conscious during the infliction of some of the stab wounds of the chest and wounds of the face and neck.

From the testimony of Timothy Johnson it is clear that Karen Spencer was alive and conscious while she was being beaten about the head and face with a brick; that she was alive when she suffered the wounds about the face and was alive as the defendant pounded her head against the wall.

In Dixon v. State, 283 So.2d 1 (Fla.1973) the Florida Supreme Court stated:

It is our interpretation that heinous means extremely wicked or shocking by evil; that atrocious means outrageously, wicked and vile; and that cruel means designed to inflict a high degree of pain with utter indifference to or even enjoyment of, the suffering of others. What is intended to be included are those capital crimes where the actual commission of a capital felony was accompanied by such additional acts as to set the crime apart from the norm of capital felonies ... a conscienceless or pitiless crime which is unnecessarily torturous to the victim.

Karen Spencer was brutally beaten and cut about the head and face. She was stabbed repeatedly in the chest as she attempted to ward off this vicious and savage attack by the Defendant. It is quite clear that Karen Spencer experienced a high degree of pain during this murderous attack by the Defendant. The stark terror she must have felt (knowing the prior threats by the Defendant to take her life) as her life slipped away from her; the humiliation as the Defendant lifted her clothing exposing her private parts to her son, while she was laying there bleeding, in pain, pleading for the Defendant to stop as he bashed her head against a concrete wall, is beyond comprehension. The victim's acute awareness of the Defendant's continued assault in the face of her pleas makes this an especially cruel murder.

The brutal, senseless beating and stabbing which Karen Spencer was forced to endure further set this crime apart from the norm of capital felonies and clearly reflect the conscienceless, pitiless, and unnecessarily torturous nature of the crime. The murder of Karen Spencer stands apart from the norm of capital felonies and it evinces extraordinary cruelty.

The murder of Karen Spencer meets the definition of heinous, atrocious or cruel. The Court finds this aggravating factor present.

A review of the mitigating circumstances reveals that the Defense had proved the following mitigating circumstances:

1. THE CAPITAL FELONY WAS COMMITTED WHILE THE DEFENDANT WAS UNDER THE INFLUENCE OF EXTREME MENTAL OR EMOTIONAL DISTURBANCE. (See Spencer v. State, 19 FLW S461).
2. THE CAPACITY OF THE DEFENDANT TO APPRECIATE THE CRIMINALITY OF HIS CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF LAW WAS SUBSTANTIALLY IMPAIRED. (See Spencer v. State, 19 FLW S461).
3. THE EXISTENCE OF ANY OTHER FACTORS IN THE DEFENDANT'S BACKGROUND THAT WOULD MITIGATE AGAINST IMPOSITION OF THE DEATH PENALTY/NON-STATUTORY MITIGATING FACTORS.

The testimony showed that the Defendant was an abuser of alcohol and drugs. This abuse of drugs and alcohol started at an early age and has continued throughout his adult life. The testimony also showed that the Defendant suffered from a paranoid personality disorder and that he was sexually abused as a child by his father.

The Court also took into consideration the following:

1. The Defendant had an honorable military service record.
2. The Defendant had a good employment record or reputation with his painting company.
3. The Defendant can function in a structured environment that does not contain women, without being a danger to himself or others.

The Court finds this mitigating factor to be present, but gives it very little weight.

REWEIGHING OF AGGRAVATING AND MITIGATING CIRCUMSTANCES

Dr. Kathleen J. Burch, a clinical psychologist, testified she conducted an examination of the Defendant that consisted of a neuropsychological evaluation and a psychological evaluation. She testified that the neuropsychological evaluation was done because the crime involved behavior that was uncontrolled in kind, very uncharacteristic, and a dramatically brutal murder. She continues to say that: "one always wonders whether there is something wrong with this person in a medical or neuropsychological sense, that would make that person less able to control an impulse than the normal person."

Dr. Burch testified that the neuropsychological testing did not provide any evidence of any significant problems in the Defendant's brain, but he did have problems with correctly copying geometric figures and had some difficulties with time tagging information. Dr. Burch concluded that overall the Defendant was less impaired than many people with his long history of drug and alcohol abuse. Dr. Burch also said that she did not find any evidence of neuropsychological impairment that would seem to significantly effect his behavior.

Dr. Burch indicated that the psychological testing revealed that the Defendant was a person that had a lifestyle that was unconventional and non-conforming in some ways; that he was person that had a high likelihood of being a drug or alcohol abuser; that he had a rebellious streak and had difficulty accepting responsibility for things that he did; that he had a tendency to blame other people; that he was emotionally isolated from other people; that he had a lot of anger and hostility inside that he would not let you see; and under extreme stress he was the type of person that could explode. Dr. Burch also stated in regards to what the Rorschach Test revealed about the Defendant that: "he is a person who tends to hang back, and think about things."

It was Dr. Burch's opinion that the Defendant suffered from chronic alcohol abuse, chronic marijuana abuse and a paranoid personality disorder. Dr. Burch also felt that the Defendant at the time of the murder of Karen Spencer, was suffering some impairment of his ability to think rationally.

Dr. Burch felt that the Defendant was under the influence of extreme mental or emotional disturbance at the time of the murder of Karen Spencer. She testified that this was due to the fact that the Defendant believed that his wife, Karen Spencer was trying to steal his business from him, a recapitulation of a similar situation with his first wife. It is to be noted that Dr. Burch also said she believed that the Defendant was able to appreciate the difference between right and wrong at the time of the murder, but because of severe stress and alcohol abuse, he was deficient in his ability to conform his conduct to the law.

Dr. Burch acknowledge that the Defendant did not have anything to drink of an alcoholic nature the morning of the murder and that his last reported drinking was the day before in the early evening. Dr. Burch testified that the Defendant had an IQ of 102 (average), with a performance IQ of 111. The performance IQ was slightly above the demarcation between average and high average. She testified that she was basically interested in the performance IQ, which related to hands on problem solving tasks.

Dr. Burch stated the following concerning what the Defendant said about the homicide:

"He went to the house to get the auto title. He went in, wearing camouflage clothes, camouflage jacket, and jeans, and he parked some distance from the house, he walked up to the house, and realized that the vehicles were there, knowing that it was likely that she would be home, and also, that her son would be there. An he was going to talk to her about the title, and if she was not there, he was going to take the title. Then he went into the house, and she was in the kitchen, and started yelling at him, and they got into a struggle, and they fell out into the yard, and she picked up a brick, and started hitting him, and he started hitting her with the brick. At that point, during that part, her son came around the corner of the house and found them, and then it gets very unclear, because the son's deposition seems to be inconsistent with other information, but anyway, the son was there for some part of it. Dusty is hitting her with the brick, and then the next thing he remembers was the son saying, you have killed her. And leaving. Then he left."

Dr. Burch stated in answering a question dealing with the thought process involved in the killing of Karen Spencer:
"Okay. I said that I cannot rule out that he thought about and fantasized killing Karen."

Dr. Burch gave the following answers to questions from the Assistant State Attorney: (Page 40, Penalty Phase Testimony)

Q But in any case, the defense did not give you copies of those police reports, or copies of that written statement, that contained those verbal threats, is that correct?

A I don't remember reading that. Verbally.

Q An that was not something analyzed carefully or taken into account in your ultimate opinion, is that correct?

A That's correct.

Q All right. Were you given the information that there was a police report done on December 11 by Deputy Kenneth Hughley, that Karen Spencer advised him that Dusty Spencer had called her from the jail, and told her that when he got out, he would finish what he had started?

A No, I was not.

(Page 57, Penalty Phase Testimony)

Q Okay. Was his ability to appreciate the criminality of his conduct impaired on the date of the murder when he committed the murder against Karen Spencer?

A No, I don't believe.

Q So he knew what he was doing was wrong?

A He knew that to murder her was wrong, yes, I believe so.

Q Okay. Is it your opinion that his ability to conform his conduct to the requirements of law was impaired?

A Yes, it is.

Q On the date of the murder?

A Yes, it is.

Q And why is that?

A That is because, again, of the severe impairment in his reality testing that he undergoes when he is under severe emotional stress, because again, of his developmental -- in the development of coping ability. Of the ability to handle his emotions. That, combined with the effects of chronic substance abuse, and actual drunkenness, over the days preceding this event.

Dr. Jonathan J. Lipman, an expert in the field of neuropharmacology, conducted a clinical interview of the Defendant and also administered personality profile measurement tests. The clinical interview consisted of obtaining a life history and completing a clinical analysis questionnaire.

The profile questionnaire revealed that the Defendant was somewhat schizoid (meaning withdrawn); he was of average intelligence; he was extremely submissive and accommodating; he was very shy, timid, and threat-sensitive; his reality testing was extremely good; that there was no indications of any underlying psychotic type of disorder; and that he had a personality problem.

Dr. Lipman testified that as a part of his clinical interview the Defendant gave him a detail diary of his drinking activities leading up to the murder of Karen Spencer. The following questions and answers were given concerning this subject: (Page 16 - 17, Penalty Phase Testimony)

Q Now when you conducted your clinical interview, doctor, did you attempt to ask specific questions about the type of drugs or alcohol he was using before the death of Karen Spencer?

A Yes

Q Okay. Why did you do that?

A Jumping ahead in time to the death of Karen Spencer?

Q Yes.

A Because I wanted to know just how drunk he was. I didn't want to know just qualitatively drunk all the time. I wanted to be able to get an idea of what his blood alcohol concentration was, every minute of the day. And these are calculable, provided you make certain scientific assumptions. And so particularly, in the period leading up to the killing of Karen Spencer, I got him to provide me with a diary, which we obtained through interview, of what drinks he consumed, and when, throughout the course of the day, and I think that bears upon that, such as meals, which could indeed affect blood alcohol concentration.

Q Okay. And doctor, what did you do with that information?

A I used it to calculate his blood alcohol concentration in the days leading up to the killing.

(Page 26 - 27, Penalty Phase Testimony)

Q Okay. Did you ask him for a history of his drinking pattern, going back to December 10th, 1992? December 10th, 1991, excuse me?

A I'm checking my notes. I can say in general, as I look for my notes, that I had a pretty good, but a general idea, of his alcohol consumption during that apex, but I didn't have it with the kind of detail made the final days before the killing.

Q Okay

A I didn't have enough to actually calculate a blood alcohol concentration.

Q Okay. Did he give you a history for that day? December 10th, 1992? 1991, excuse me?

A Is this the day on which his wife stole thirty three hundred--

Q That will be on the date that she reported he attacked her and threatened to kill her?

A Is that the same date--

Q Over the thirty-three hundred dollars, right.

A Okay. No, I don't have sufficient information to calculate his blood alcohol concentration on that date.

Q So you don't have any opinion as to the way alcohol affected him on that date?

A Oh, I see the problem. No. You misunderstood me. Dusty's above or below .10 milligrams per deciliter is not relevant?

Q Okay. How about when he is at .0? Is that relevant?

A Point what?

Q What about when his blood alcohol level is zero?

A No. It's not relevant. That's the point.

Q Doesn't matter?

A I'll go through it again, if you want.

Q He is impaired all the time, as he walks around?

A Right. As a chronic alcoholic.

Dr. Lipman goes on to say that he felted that the Defendant was impaired when choked and threatened to kill Karen Spencer on December 10, and was also impaired on December 11, when he called from the jail and said when he got out, he would finish what he had started.

It is to be noted the addiction severity index test that was given to the Defendant by Dr. Lipman, the Defendant rated a 5.34. A person could rate as high as ten on this scale, with zero being healthy.

Dr. Lipman noted that the Defendant used various drugs through the years, such as LSD, hashish, marijuana, amphetamines, alcohol, and quaaludes. He noted that the Defendant's blood alcohol concentration ten to fourteen days prior to the murder of Karen Spencer was about .36 at night and about .60 milligrams per deciliter in the mornings. Dr. Lipman concluded that the Defendant was not sober at anytime during that ten to fourteen day period. The information concerning the alcohol consumption was obtained from the Defendant.

Dr. Lipman testified that the Defendant's blood alcohol concentration was zero at the time of the murder of Karen Spencer, but he felt that the Defendant was suffering from biochemical intoxication. When asked to describe what he meant by biochemical intoxication Dr. Lipman stated the following:

"When you drink, your blood alcohol level rises and then it falls. And if you are unlucky, you have a hangover. At the time of the hangover, you are quite impaired. But you are not drunk. On the other hand, there are many things you cannot do. Calculations are very difficult, spacial coordination is poor, you really can't manage a lot of driving tasks that you should."

"But you are not drunk at the time. Nevertheless, biochemically, you are intoxicated."

"So that being constantly drunk changes a person's biochemistry, changes their thought process, changes their ability to act, interact, and cope, and if you have met chronic alcoholics, you will find that they are still diagnostically different than the rest of us, even when they are not drinking. By that, I mean that they, like Dusty Spencer, behave like a chronic alcoholic."

Dr. Lipman gave the opinion that the Defendant was under the influence of an extreme emotional or mental disturbance at the time of the murder of Karen Spencer. In response a question concerning the Defendant's capacity to appreciate the criminality of his conduct or whether the Defendant's ability to conform his conduct to the requirements of the law was substantially impaired, Dr. Lipman stated:

"I think that his -- more than one question there, but I think that he knew the difference, generally speaking, between right and wrong. I have really no doubt that he understood that there is right and wrong. But I don't believe that he, at that moment, appreciated the wrongfulness of his actions, which occurred in a disassociative state, even though he does not actually remember the stabbing. And I don't believe that he was able to control his actions."

In summary the testimony of Dr. Burch and Dr. Lipman established the following:

1. That the Defendant was a long-time abuser of drugs and alcohol.
2. That the Defendant was less impaired than many people with his long history of drug and alcohol abuse.
3. That the Defendant suffered from personality disorders.
4. That the Defendant suffered from stress of his relationship with Karen Spencer, i.e. the alleged attempt by her to steal his business.
5. That neuropsychological testing of the Defendant did not provide any evidence of any significant problems in the Defendant's brain.
6. That there was no evidence of neuropsychological impairment that would significantly effect his behavior.
7. That at time of the murder, the Defendant was suffering some impairment of his ability to think rationally.
8. That the Defendant at the time of the murder was able to appreciate the difference between right and wrong, but was deficient in his ability to conform his conduct to the law.
9. That the Defendant did not have anything to drink of an alcoholic nature the morning of the murder and that his last reported drinking was the day before in the early evening.
10. That the Defendant had an IQ of 102 (average) and performance IQ of 111 (between average & high average).
11. That Dr. Burch could not rule out that the Defendant thought about and fantasized about killing the victim.
12. That both experts depended upon the Defendant's self-report concerning the events surrounding the murder.
13. That the Defendant was suffering from biochemical intoxication at the time of the murder.
14. That the Defendant rated a 5.34 on the addiction severity index test.

The facts surrounding the murder of Karen Spencer revealed that Dusty Ray Spencer on numerous occasions prior to murder of Karen Spencer openly expressed his desires to murder her. He told a friend, Benjamin Abrams, while drinking on New Year's Day, that he should take Karen Spencer out on their boat and throw her overboard. Two days later he told that friend that she would not go out on the boat anymore.

In December of 1991, Karen Spencer asked the Defendant to move out of the house. On December 10, 1991, the Defendant told Karen Spencer if she did not get him some money, he was going to kill her. The Defendant on that day choked the victim and informed her that this was only a sample of what she was going to get. The Defendant was arrested after this incident. On December 11, 1991, the Defendant called from the jail and informed the victim that he was going to finish what he had started as soon as he got out of jail.

On January 4, 1992, the Defendant attacked and beat the victim with a clothes iron in her home. Karen Spencer suffered lacerations and bruises to her body and required eleven stitches to her face. Timothy Johnson, Karen Spencer's teenage son was awakened by this fight. When Timothy Johnson entered the room, he saw the Defendant on top of his mother, hitting her. When Timothy Johnson tried to intervene, the Defendant struck him in the head with the iron. The Defendant followed him back to his bedroom and struck him several more times with the iron. The Defendant said during this incident to Timothy Johnson that Karen Spencer had fucked up his life, and now he was going to fuck hers up.

On January 18, 1992, the Defendant returned to Karen Spencer home where he murdered her. The Defendant parked his vehicle a distance away from Karen Spencer home. Timothy Johnson was awakened by the screams of his mother. At this point he retrieved a rifle and went outside to look for his mother, where he observed the Defendant, who was wearing gloves, striking his mother in the head and face with a brick. Mr. Johnson struck the Defendant with the butt of the rifle, shattering the butt of the rifle. The Defendant stood up and said your mother fucked up my life. The Defendant then lifted up her nightgown and said "show your boy your pussy," while the victim was saying "stop." The Defendant slapped the victim's head into the concrete wall of the house. The Defendant at some point stopped his attack upon the victim, which permitted Mr. Johnson to approach his mother and pick her up. While Mr. Johnson was attempting to carry his mother away, the Defendant threatened him with a knife causing him to leave to seek help.

In weighting the mitigating circumstances the Court must examine what connection they had to the murder of Karen Spencer. Both experts felt that due to the Defendant's long history of drug and alcohol abuse and his personality disorder he committed this crime while he was under the influence of an extreme mental or emotional disturbance, and that his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired.

We know from the testimony although the Defendant had a long history of drug and alcohol abuse starting at a young age, he was less impaired than many people with a long history of drug and alcohol abuse. We know that he rated a 5.34 on the addiction severity index test. The addiction severity index test has a scale of 0 to 10, zero being healthy. The testimony established that at the time of the murder, the defendant had a blood alcohol level of zero. Dr. Lipman noted at time of the murder the Defendant was biochemically intoxicated, which he described as a hangover.

We know that despite suffering from a paranoid personality disorder, chronic substance abuse, and biochemical intoxication the Defendant ran a very successful business and was a great employer according to the testimony of Mr. Abrams. We also know that even while he abused drugs and alcohol in the military, he was able to perform a heroic act of rescuing someone while station in the Philippine Islands.

The evidence in this case showed that the Defendant Dusty Ray Spencer, expressed the desire to murder his wife and that he carried out this intention. The evidence also showed that when the Defendant was interrupted by Timothy Johnson during the murder, he not only lifted up her nightgown asking the Karen Spencer to expose herself to your son, but he also told Mr. Johnson that his mother had fucked up his life. The Defendant then slapped the victim's head into the concrete wall of the house. The Defendant at some point stopped his attack upon the victim, which permitted Mr. Johnson to approach his mother and pick her up. While he was attempting to carry his mother away, the Defendant threatened him with a knife causing him to leave to seek help. The Defendant after killing the victim then left the scene.

The experts said that the murder occurred because the Defendant thought the victim was trying to take his money or steal his business. It is to be noted that the Defendant told the experts that went to the house to get the title to his vehicle. But the Defendant had clearly indicated what his intentions were when he was in jail, i.e. he was going to fuck her up and finish what he had started, if she did not get him the money.

The facts leading up to the killing and the nature of the killing are indicative of a deliberate thought process by the Defendant to kill Karen Spencer, if she did not comply with his wishes. The acts of the Defendant clearly show that he knew what he was doing and he knew it was wrong. After carefully reviewing the record, and taking all of the mitigating circumstances in the light most favorable to the Defendant, this Court finds that they had a very small, if any connection to the murder of Karen Spencer.

Thus, while this Court gives the mitigating of circumstances of extreme mental or emotional disturbance and impaired capacity to conform his conduct to the requirements of the law, some weight, it is clear that by any reasonable assessment and evaluation of the evidence that I can not give them overwhelmingly great weight. As to the other mitigating factors in the Defendant's background (non-statutory mitigating factors) the Court gives them very little weight.

In arguments presented by the defense on January 11, 1995, that indicated that this homicide was a result of a domestic dispute. Because it was a killing as a result of a domestic dispute, they argue that the death penalty is inappropriate. This Court has reviewed Henry v. State, 19 FLW S653(12/15/95), Lemon v. State, 456 So.2d 885(Fla.1984), King v. State, 436 So.2d 50(Fla.1233), and Harvard v. State, 414 So.2d 1032(Fla.1982) in which the death penalty was imposed. Henry, Lemon, King, and Harvard all involved the Defendant's killing women with whom they had a relationship, after a previous conviction for a similar violent offense. While this case does not involve a previous conviction for a prior violent offense, it does like the other cases involves acts of violent prior to the murder. While the murder of Karen Spencer occurred on January 18, 1992, the attempted second degree murder of Karen Spencer and the aggravated battery upon Timothy Johnson occurred on January 4, 1992.

CONCLUSIONS OF THE COURT

The Court has carefully weighed and considered each statutory aggravating and mitigating circumstance in attempting to determine the appropriate sentence to impose in light of all the evidence presented at the trial, the advisory sentence hearing, the arguments of counsel and the jury's recommendation. The Court also viewed and considered the credibility of each witness that testified in this matter. The Court being ever so mindful that a human life is at stake in the balance, finds after careful assessment and evaluation of the aggravating and mitigating circumstances, that the aggravating circumstances outweigh all the mitigating circumstances.

The Court concludes that Death, as recommended by the jury, is the appropriate sentence in this case.

THEREFORE, Dusty Ray Spencer, having adjudged you guilty of the First Degree Murder of Karen Spencer, I HEREBY SENTENCE YOU TO DEATH. IT IS THE ORDER of this Court that you, Dusty Ray Spencer, be taken by the proper authorities to the Florida State Prison or any other facility of the Department of Corrections and there be kept in close confinement until the date of your execution be set.

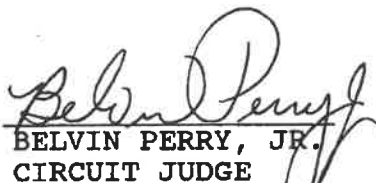
That on the date set for your execution, you shall be put to Death in the electric chair by having electrical current passed through your body in such amount and frequency until you are rendered Dead.

Dusty Ray Spencer, May Almighty God have mercy on your soul.

The sentence in this count is run consecutive to the other counts in the indictment, and the other counts are to run consecutive to each other, based upon the unscored crime of Murder in the First Degree. You are to receive credit for all jail time served on this case.

I HEREBY advise you that you have thirty days from today's date to appeal the judgment and sentence I have imposed in this case. If you do not have counsel to represent you and can not afford counsel, the Court will appoint counsel to represent you in such an appeal.

DONE AND ORDERED in Orlando, Orange County, Florida this 18th day of January, 1995.


BELVIN PERRY, JR.
CIRCUIT JUDGE

Page 16 of 16

State of Florida, County of Orange
I hereby certify that the above and foregoing is a true and correct copy of the instrument filed in this office.

Confidential items have been removed pursuant to Fla. R. Crim. P. 3.420.

Witness my hand and official seal this 20 day of NOV 21 2025

Tiffany Moore Russell, Clerk of the Circuit Court

By:  Deputy Clerk



Probation Violator

Community Control Violator

Retrial

Resentence

In the 14th Judicial Circuit, Ninth

in and for Orange County, Florida

Division 14

Case Number CR92-473

CRIMINAL DIV
CIRCUIT COURT

State of Florida

v.

Dusty Ray Spencer
Defendant

FILED IN OPEN COURT

THIS 7 DAY OF Nov, 1992

Fran Carlton, Clerk

[Signature] D.C.

J U D G M E N T

The defendant, Dusty Spencer, being personally before this court represented by D. Smallwood / N. Kelley, the attorney of record, and the state represented by D. Sedgewick, and having

- been tried and found guilty by jury/ by court of the following crime(s)
- entered a plea of guilty to the following crime(s)
- entered a plea of nolo contendere to the following crime(s)

4282635 ORANGE CO. FL.
11/17/92 11:45:58am

OR4488 PG4035

Count	Crime	Offense Statute Number(s)	Degree of Crime	OBTS Number
One	Murder in the First Degree	782.04	Capital	4959427
two	Aggravated Assault	784.021	F3	
three	Attempt to Commit Murder in the Second Degree (L10)	782.04-1	F2	
four	Aggravated Battery	777.04	F3	
		784.045	F3	

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby ADJUDICATED GUILTY of the above crime(s).











and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch.794) or lewd and lascivious conduct (ch.800) the defendant shall be required to submit blood specimens.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

v. Dusty Ray Spencer
Defendant

Case Number CR92-473

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by:

Off. Chavert 0113
Name

Deputy J.C.S.O.
Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, Dusty Spencer, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in ORANGE County, Florida, this 7 day of Nov, 19 92

State of Florida, County of Orange

I hereby certify that the above and foregoing is a true and correct copy of the instrument in the presence of:

Confidential items have been removed, as necessary per Fla. R. Admin. 2.240

Witness my hand and official seal this 06 day of October, 20 25

Tiffany M. Russell, Clerk of the Circuit Court

By: [Signature] Deputy Clerk.



[Signature]
Judge

SENTENCE

(As to Count 1)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, D. Kelly, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable.)

and the Court having on _____ deferred imposition of sentence until this date.
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences the defendant.
(date)

and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of Orange County, Florida.

The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

For a term of natural life.

For a term of Death.

Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

FILED IN OPEN COURT,
THIS 21 DAY OF Dec, 1992

By Fran Carlton, Clerk
[Signature] D.C.

If "split" sentence, complete the appropriate paragraph.

Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

CONSECUTIVE/ It is further ordered that the sentence imposed for this count shall run _____ Consecutive to
CONCURRENT _____ Concurrent with (check one) the sentence set forth in count _____ above.

SPECIAL PROVISIONS
(As to Count 1)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Firearm (Police Officer Weapon) _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.0875, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit _____ It is further ordered that the defendant shall be allowed a total of 338 days as credit for time incarcerated before imposition of this sentence.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

SENTENCE

(As to Count 2)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, D Kelley, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable.)

and the Court having on _____ deferred imposition of sentence until this date.
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences
the defendant. (date)

and the Court having placed the defendant on probation/community control and having subsequently revoked
the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____
as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of Orange County, Florida.

The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

For a term of natural life.

For a term of 5 1/2 years.

Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in
this order.

If "split" sentence, complete the appropriate paragraph.

Followed by a period of _____ on probation/community control under the supervision of the
Department of Corrections according to the terms and conditions of supervision set forth in a separate order
entered herein.

However, after serving a period of _____ imprisonment in _____, the
balance of the sentence shall be suspended and the defendant shall be placed on probation/community
control for a period of _____ under supervision of the Department of Corrections
according to the terms and conditions of probation/community control set forth in a separate order entered
herein.

**In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be
satisfied before the defendant begins service of the supervision terms.**

CONSECUTIVE/ It is further ordered that the sentence imposed for this count shall run Consecutive to
CONCURRENT _____ Concurrent with (check one) the sentence set forth in count 1 above.

SPECIAL PROVISIONS

(As to Count 2)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Firearm (Police Officer Weapon) _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.0875, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit _____ It is further ordered that the defendant shall be allowed a total of 338 days as credit for time incarcerated before imposition of this sentence.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Spencer

SENTENCE

(As to Count 3)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, D. Kelley, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable.)

and the Court having on _____ deferred imposition of sentence until this date.
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences
the defendant. (date)

and the Court having placed the defendant on probation/community control and having subsequently revoked
the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____
as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of Orange County, Florida.

The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

For a term of natural life.

For a term of 15 yrs.

Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in
this order.

If "split" sentence, complete the appropriate paragraph.

Followed by a period of _____ on probation/community control under the supervision of the
Department of Corrections according to the terms and conditions of supervision set forth in a separate order
entered herein.

However, after serving a period of _____ imprisonment in _____, the
balance of the sentence shall be suspended and the defendant shall be placed on probation/community
control for a period of _____ under supervision of the Department of Corrections
according to the terms and conditions of probation/community control set forth in a separate order entered
herein.

**In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be
satisfied before the defendant begins service of the supervision terms.**

CONSECUTIVE/ It is further ordered that the sentence imposed for this count shall run Consecutive to
CONCURRENT _____ Concurrent with (check one) the sentence set forth in count 2 above.

SPECIAL PROVISIONS

(As to Count 3)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Firearm (Police Officer Weapon) _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.0875, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit ~~_____~~ It is further ordered that the defendant shall be allowed a total of 338 days as credit for time incarcerated before imposition of this sentence.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

SENTENCE

(As to Count 4)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, N. Kelley, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable.)

and the Court having on _____ deferred imposition of sentence until this date.
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences the defendant.
(date)

and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of Orange County, Florida.

The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

For a term of natural life.

For a term of 15 yrs.

Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

**CONSECUTIVE/
CONCURRENT**

It is further ordered that the sentence imposed for this count shall run consecutive to _____ Concurrent with (check one) the sentence set forth in count 3 above.

SPECIAL PROVISIONS

(As to Count 4)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Firearm (Police Officer Weapon) _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.0875, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit _____ It is further ordered that the defendant shall be allowed a total of 338 days as credit for time incarcerated before imposition of this sentence.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Defendant Dusty R Spencer Case Number 92-423

Other Provisions, continued:

**Consecutive/Concurrent
As To Other Counts**

It is further ordered that the sentence imposed for this count shall run
(check one) consecutive to concurrent
with the sentence set forth in count _____ of this case.

**Consecutive/Concurrent
As To Other Convictions**

It is further ordered that the composite term of all sentences imposed for
the counts specified in this order shall run
(check one) consecutive to concurrent
with the following:
(check one)

any active sentence being served.

specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of ORANGE
County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at
the facility designated by the department together with a copy of this judgment and sentence and any other
documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of
appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance
of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends _____

DONE AND ORDERED in open court at ORANGE County, Florida,
this 21 day of Dec 1992.

Berlin Perry
Judge

State of Florida, County of Orange
I hereby certify that the above and foregoing is a true and correct copy of the instrument filed in this office.
Confidential items have been removed, as necessary per Fla. R. Admin, 2.240
Witness my hand and official seal this 6 day of October, 2025
By: Tiffany M. Russell Deputy Clerk



DEATH WARRANT

STATE OF FLORIDA

WHEREAS, DUSTY RAY SPENCER, on or about the 18th day of January, 1992, murdered KAREN SPENCER; and

WHEREAS, DUSTY RAY SPENCER, on the 7th day of November, 1992, was convicted of first degree murder and, on the 18th day of January, 1995, was sentenced to death for the murder of KAREN SPENCER; and

WHEREAS, on the 22nd day of September, 1994, the Supreme Court of Florida affirmed the conviction of DUSTY RAY SPENCER and, on the 12th day of September, 1996, affirmed the death sentence of DUSTY RAY SPENCER; and

WHEREAS, on the 9th day of January, 2003, the Supreme Court of Florida affirmed the trial court order denying DUSTY RAY SPENCER's initial Motion for Postconviction Relief and denied his Petition for Writ of Habeas Corpus; and

WHEREAS, on the 7th day of September, 2006, the United States District Court for the Middle District of Florida denied DUSTY RAY SPENCER's federal Petition for Writ of Habeas Corpus; and

WHEREAS, on the 22nd day of June, 2010, the United States Court of Appeals for the Eleventh Circuit affirmed the denial of DUSTY RAY SPENCER's federal Petition for Writ of Habeas Corpus; and

WHEREAS, further postconviction motions and petitions filed by DUSTY RAY SPENCER have been denied and the denials affirmed on appeal; and

WHEREAS, executive clemency for DUSTY RAY SPENCER, as authorized by Article IV, Section 8(a), of the Florida Constitution, was considered pursuant to the Rules of Executive Clemency, and it has been determined that executive clemency is not appropriate; and

WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence pursuant to section 922.052, Florida Statutes.

NOW, THEREFORE, I, RON DESANTIS, as Governor of the State of Florida and pursuant to the authority and responsibility vested in me by the Constitution and Laws of Florida, do hereby issue this warrant, directing the Warden of the Florida State Prison to cause the sentence of death to be executed upon DUSTY RAY SPENCER, in accordance with the provisions of the Laws of the State of Florida.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 26th day of May, 2026.




GOVERNOR

ATTEST:


SECRETARY OF STATE

2026 MAY 26 PM 2:01
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED