

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR WAKULLA COUNTY, FLORIDA

STATE OF FLORIDA,

v.

Case Number 1997-CF-215

JASON BRICE LOONEY,

Defendant.

SENTENCING ORDER

During the early morning hours of July 27, 1997, Jason Brice Looney and two Co-Defendants murdered Melanie King and Robin Keith Spears.

On December 8, 1999, a jury found Mr. Looney guilty of the premeditated first-degree murders of both victims, burglary of a dwelling while armed, armed robbery with a firearm, arson of a dwelling, and use of a firearm in the commission of a felony. On December 9, 1999, the jury recommended by a 10-2 advisory verdict that the Court sentence Mr. Looney to death. On February 18, 2000, the Court sentenced Mr. Looney to death.

The Defendant's guilt for these crimes has been conclusively established. Years ago, the Defendant exhausted his appeals on the merits of his trial and on the effectiveness of his counsel. In 2016, the United States Supreme Court rendered a decision that caused Mr. Looney case to be remanded for a retrial of his penalty phase. *Hurst v. Florida*, 577 U.S. 92 (2016).

2024 Retrial of the Penalty Phase

Following jury selection on January 21 and 24, 2025, the Court retried this Defendant's penalty phase. On January 30, 2025, the jury unanimously found four

aggravating factors proven beyond a reasonable doubt and considered the mitigating circumstances. Afterward, the jury recommended a sentence of life in prison without the possibility of parole.

Per Florida Statute Section 921.141(4), the Court renders this order.

A. AGGRAVATING FACTORS

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

After the three Co-Defendants had employed a ruse to gain access, they violently forced their way into the victims' home. Brandishing firearms, the Defendants threatened to shoot the victims if they resisted. Immediately thereafter, the Defendants bound the victims' hands, feet, mouths, and eyes with duct tape and placed them face-down on their bed. Over the course of around two hours, the Defendants pillaged the victims' home, systematically stealing their furnishings, personal belongings, money, car, and a truck.

After deciding to eliminate their victims, the Defendants poured gasoline, turpentine, and another accelerant throughout the victims' home, including on the victims and the bed they lay upon.

The heinous, atrocious, or cruel nature of these capital murders is readily apparent when considering the victims' perspective. Consider Melanie King, who had been bound, gagged, and placed face down on her bed for a prolonged period. She could hear the Defendants' talk about killing her and Mr. Spears. She felt and smelled the accelerant the Defendants poured over her, her boyfriend, and throughout the house. Upon shifting the tape covering her mouth enough so that she could speak, Miss King stated words to the effect of "if you are going to burn us, please don't shoot us in the head." Co-Defendant, Mr. Hertz replied, "sorry, can't do that," and then immediately fired multiple shots into both victims' heads. Afterward, Mr. Looney and Jimmy Dewayne Dempsey shot the victims too.

We will never know victim Robin Keith Spears final thoughts. The duct tape covering his mouth silenced him forever.

After callously murdering both victims' execution style, Mr. Looney and his Co-Defendants torched the victims' home. The fire had multiple places of origin throughout the home.

Both victims knew about their impending doom. Both had to contemplate being shot execution style or facing the excruciating pain of burning to death. Under the circumstances, both experienced fear, terror, and extreme anxiety. The medical examiner testified that both victims died from their gunshot wounds. Notwithstanding, the evidence indicates that their deaths were not instantaneous. Rather, fluid built up in both victims' lungs, indicating that each lived a short time after being shot. Mercifully, neither survived to suffer being burned.

The jury found these murders to have been especially heinous, atrocious, or cruel. Overwhelming competent and substantial evidence supports that decision. Each murder Mr. Looney committed was conscienceless, pitiless, and unnecessarily torturous to the victims. Mr. Looney's actions were clearly vile, wicked, unnecessarily torturous, and pitiless. Indeed, at an absolute minimum, he showed utter indifference to Miss King's and Mr. Spears' suffering.

The State proved this aggravator beyond a reasonable doubt.

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

Mr. Looney's conviction of another capital felony counts for this aggravator. He was convicted of committing two simultaneous first-degree murders. His murder of Robin Keith Spears counts as another capital felony regarding his murder of Melanie King, and vice-versa.

Mr. Looney had no basis to contest this aggravator, and he did not. The State proved this aggravator beyond a reasonable doubt.

3. THE CAPITAL FELONY WAS COMMITTED WHILE THE DEFENDANT WAS ENGAGED IN THE COMMISSION OF BURGLARY, ARSON, AND ROBBERY.

Mr. Looney committed the capital felonies while he was burglarizing and robbing the victims, and setting fire to their home, thus committing arson. This is evident from the verdict that the jury in the guilt phase returned in 1999. *See, Brown, 473 So. 2d at 1267; Mills v. State, 476 So.2d 172 (Fla. 1986); and Lowenfield v. Phelps, 108 S. Ct. 546, 484 U.S. 231 (1988).*

The State proved this aggravator beyond a reasonable doubt.

4. THE CRIME FOR WHICH THE DEFENDANT IS TO BE SENTENCED WAS COMMITTED FOR FINANCIAL GAIN.

The State proved that Mr. Looney committed both capital felonies for financial gain. He and his Co-Defendants showed up at the victims' home to steal a truck and a car. After staging a violent, armed, home invasion, they systematically stole the victims' money, furnishings, personal belongings, truck, and car. The stolen items, which the Defendants transported to and unloaded in Co-Defendant Hertz's home, included, among other things, a television, microwave, computer, VCR, music, a lawnmower, tea glasses, a nursing kit, and at least \$1,800.00.

The State proved this aggravator beyond a reasonable doubt.

B. MITIGATING CIRCUMSTANCES

"Mitigating evidence must be relevant to the defendant's character, his prior record, and the circumstances of the offenses at issue. *See, E.G., Eaglin v. State, 19 So.3d 935, 944 (Fla. 2009).* Here, the Court instructed the jury on seven mitigating circumstances.

1. THE DEFENDANT HAD NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL ACTIVITY.

The defense proved this mitigator by the greater weight of the evidence.

2. THE FIRST-DEGREE MURDERS WERE COMMITTED WHILE THE DEFENDANT WAS UNDER THE INFLUENCE OF EXTREME MENTAL OF EMOTIONAL DISTURBANCE.

The Court finds that the defense did not prove this mitigator by the greater weight of the evidence.

No witness testified that Mr. Looney acted under the influence or extreme mental or emotional disturbance. Rather, he and his Co-Defendants began the evening watching television and playing cards. Mr. Looney's behavior on the date of the murders was cold and deliberate.

3. THE DEFENDANT WAS AN ACCOMPLICE IN THE FIRST-DEGREE MURDER COMMITTED BY ANOTHER PERSON AND HIS PARTICIPATION WAS RELATIVELY MINOR.

The defense proved this mitigator by the greater weight of the evidence. The State presented contrary evidence.

4. THE DEFENDANT ACTED UNDER EXTREME DURESS OR UNDER THE SUBSTANTIAL DOMINATION OF ANOTHER PERSON.

The Court finds that the defense did not prove this mitigator by the greater weight of the evidence.

Mr. Looney watched television and played cards before committing the capital murders. He accepted his share of the stolen cash. He bragged about his new truck to Walmart employees. After committing the murders, Mr. Looney was loud, full of himself, and ready to party.

5. THE CAPACITY OF THE DEFENDANT TO APPRECIATE THE CRIMINALITY OF HIS CONDUCT TO THE REQUIREMENTS OF LAW WAS SUBSTANTIALLY IMPAIRED.

The Court finds that the defense did not prove this mitigator by the greater weight of the evidence.

Mr. Looney fully appreciated the criminality of his conduct. He knew right from wrong, and yet he murdered Miss King and Mr. Spears to prevent them from identifying him. Then he set fire to their home to destroy evidence that might incriminate him.

6. THE AGE OF THE DEFENDANT AT THE TIME OF THE CRIME.

The defense proved this mitigator by the greater weight of the evidence. Mr. Looney was 20 when he committed the capital felonies.

7. THE EXISTENCE OF ANY OTHER FACTORS IN THE DEFENDANT'S CHARACTER, BACKGROUND, OR LIFE OR THE CIRCUMSTANCES OF THE OFFENSES THAT WOULD MITIGATE AGAINST THE IMPOSITION OF THE DEATH PENALTY.

The Defendant presented evidence and made arguments regarding several non-statutory mitigating circumstances. The Court endeavors to address each one by category and assign weights to those that the defense proved by the greater weight of the evidence.

A. MR. LOONEYHERTZ IS A DIFFERENT PERSON LIVING A STRUCTURED LIFE AND HE POSES NO DANGER TO OTHERS LIVING OUT HIS NATURAL LIFE IN PRISON.

The defense proved this non-statutory mitigator by the preponderance of the evidence.

B. MR. LOONEY IS LESS CUPLABLE THAN HIS CO-DEFENDANTS AND SHOULD BE SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE.

The defense proved this non-statutory mitigator by the preponderance of the evidence. The State presented evidence to the contrary, but the enough jurors assigned this mitigator enough weight to recommend a life sentence.

RE-SENTENCING

The Court finds that the jury's recommended sentence is supported by competent and substantial evidence. Accordingly, it is hereby ORDERED AND ADJUDGED that, regarding counts one and two, the Court:

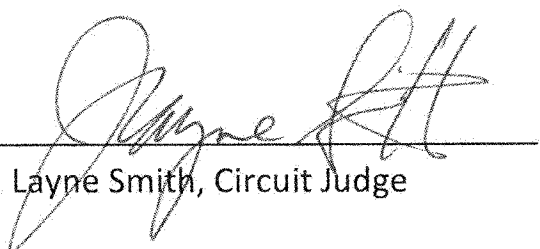
1. Sentences the Defendant, Jason Brice Looney, to life in prison without the possibility of parole for the murder of Melanie King;
2. Sentences the Defendant, Jason Brice Looney, to a consecutive term of life in prison without the possibility of parole, for the murder of Robin Keith Spears; and
3. Remands Mr. Looney to the Florida Department of Corrections, where he shall be held securely in accordance with this sentence.

The prior sentence rendered on February 18, 2000, regarding the other counts, including the fines, fees, and costs imposed, remains in place.

RIGHT OF APPEAL.

The Defendant may appeal this sentence within 30 days from the date this order is rendered. If the Defendant cannot afford a lawyer for the appeal, the Court will appoint on to represent him.

DONE AND ORDERED on March 6, 2025.



J. Layne Smith, Circuit Judge

Copies to counsel of record via e-service through the e-portal

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