



RON DESANTIS
GOVERNOR

January 23, 2023

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

Re: Execution Date for Donald David Dillbeck, DC# 068610

Dear Warden Davis:

Enclosed is the death warrant that I signed to carry out the sentence for Donald David Dillbeck, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Thursday, February 23, 2023, through 12:00 noon on Thursday, March 2, 2023, for the execution. I have been advised that you have set the date and time of execution for Thursday, February 23, at 6:00 p.m.

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

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to read "RDS".

Ron DeSantis
Governor

Enclosures

FILED
2023 JAN 23 PM 2:37
OFFICE OF THE
CLERK OF STATE
TALLAHASSEE, FL

Warden Donald Davis
January 23, 2023
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cc:

Honorable Carlos G. Muñiz
Chief Justice
Supreme Court of Florida
500 S. Duval Street
Tallahassee, Florida 32399

Honorable Jonathan Sjostrom
Chief Judge, 2nd Judicial Circuit
301 South Monroe Street
Tallahassee, Florida 32301

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

Carolyn Snurkowski
Assistant Deputy Attorney General
Office of the Attorney General
The Capitol, FL-01
Tallahassee, Florida 32300-0001

Baya Harrison III, Esq.
736 Silver Lake Rd
Monticello, Florida 32344-4914

Linda McDermott
Office of the Federal Defender
227 N Bronough St Ste 4200
Tallahassee, FL 32301-1300

Michelle Whitworth
Coordinator
Office of Executive Clemency
4070 Esplanade Way
Building C, Rm. 229
Tallahassee, Florida 32399-2450

Donald David Dillbeck, DC #068610
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32026-4000



STATE OF FLORIDA

ASHLEY MOODY
ATTORNEY GENERAL

January 23, 2023

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

RE: Donald David Dillbeck

Dear Governor DeSantis:

Donald David Dillbeck was found guilty of one count of first-degree murder on February 26, 1991, for the June 24, 1990, brutal murder of Faye Vann in Leon County, Florida. He was sentenced to death for the murder on March 15, 1991, by the trial court, following the jury's 8-4 death recommendation. The Florida Supreme Court, on direct appeal, affirmed Dillbeck's conviction and sentence of death on April 21, 1994, in *Dillbeck v. State*, 643 So.2d 1027 (Fla. 1994), *cert. denied*, *Dillbeck v. Florida*, 514 U.S. 1022 (1995).

On April 23, 1997, Dillbeck filed his initial motion for post-conviction relief. That motion was denied by the state trial court on September 5, 2002. On August 26, 2004, the Florida Supreme Court affirmed in part but remanded to the trial court to provide findings of fact and conclusions of law pursuant to Fla. R. Crim. P. 3.850(d), in *Dillbeck v. State*, 882 So.2d 969 (Fla. 2004). Dillbeck's state habeas was also denied in *Dillbeck v. Crosby*, 882 So.2d 969 (Fla. 2004). The trial court, on remand, again denied relief on July 21, 2005, and the Florida Supreme Court affirmed the denial of relief on May 10, 2007, in *Dillbeck v. State*, 964 So.2d 95 (Fla. 2007).

Dillbeck filed his initial federal petition for writ of habeas corpus in the U.S. District Court for the Northern District of Florida on September 7, 2007. The federal district court denied the petition on January 29, 2010, and, denied a certificate of appealability (COA) in *Dillbeck v. McNeil*, 2010 WL 419401 (N.D. Fla. Jan. 29, 2010). Dillbeck appealed the denial of relief and filed an application for certificate of appealability (COA) in the Eleventh Circuit Court of Appeals. On September 9, 2010, that Court remanded Dillbeck's case to the U.S. District Court based on *Holland v. Florida*, 560 U.S. 631 (2010). The U.S. District Court, on remand, denied relief on October 7, 2010 (no COA to issue), in *Dillbeck v. McNeil*, 2010 WL 3958639 (N.D. Fla. Oct. 7, 2010). The Eleventh Circuit Court of Appeals, upon further review, denied

Dillbeck's request for a COA on January 18, 2011. Dillbeck's petition for writ of certiorari, filed in the United States Supreme Court, was denied on October 3, 2011, in *Dillbeck v. Tucker*, 565 U.S. 862 (2011).

On March 28, 2014, Dillbeck filed a successive motion for post-conviction relief in the state trial court. Relief was denied on June 5, 2014. He appealed the denial of relief on July 8, 2014. On April 16, 2015, the Florida Supreme Court affirmed the trial court's denial of relief. *Dillbeck v. State*, 168 So.3d 224 (Fla. 2015).

Dillbeck filed a second successive post-conviction motion in the trial court on April 11, 2016. That motion was denied on April 11, 2017. The Florida Supreme Court, on appeal, affirmed the denial of relief on January 24, 2018, and the U.S. Supreme Court denied certiorari on October 1, 2018, in *Dillbeck v. State*, 234 So.3d 558 (Fla. 2018), *cert. denied*, *Dillbeck v. Florida*, 139 S.Ct. 162 (Oct. 1, 2018).

A third successive post-conviction motion was filed, by Dillbeck, on May 9, 2019, and dismissed by the trial court on January 28, 2020. No appeal was filed, and the U.S. Supreme Court denied certiorari on June 7, 2021, in *Dillbeck v. Florida*, 141 S.Ct. 2733 (June 7, 2021).

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,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is written in a cursive, flowing style.

Ashley Moody
Attorney General

DEATH WARRANT

STATE OF FLORIDA

WHEREAS, DONALD DAVID DILLBECK, on or about the 24th day of June, 1990, murdered Faye Vann; and

WHEREAS, DONALD DAVID DILLBECK, on the 26th day of February, 1991, was found guilty of first degree murder, armed robbery, and armed burglary, and on the 15th day of March, 1991, was sentenced to death for the murder of Faye Vann; and

WHEREAS, on the 21st day of April, 1994, the Supreme Court of Florida affirmed the conviction and death sentence of DONALD DAVID DILLBECK; and

WHEREAS, on the 26th day of August, 2004, the Supreme Court of Florida partially affirmed the trial court order denying DONALD DAVID DILLBECK's initial Motion for Postconviction Relief and denied his Petition for Writ of Habeas Corpus; and

WHEREAS, on the 10th day of May, 2007, the Supreme Court of Florida affirmed the trial court's order denying the remainder of DONALD DAVID DILLBECK's initial postconviction claims; and

WHEREAS, on the 29th day of January, 2010, the United States District Court for the Northern District of Florida denied DONALD DAVID DILLBECK's federal Petition for Writ of Habeas Corpus, and the United States Court of Appeals for the Eleventh Circuit denied his Application for Certificate of Appealability on the 18th day of January, 2011; and

WHEREAS, further postconviction motions and petitions filed by DONALD DAVID DILLBECK have been denied, and such denials subsequently affirmed on appeal; and

WHEREAS, executive clemency for DONALD DAVID DILLBECK, 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

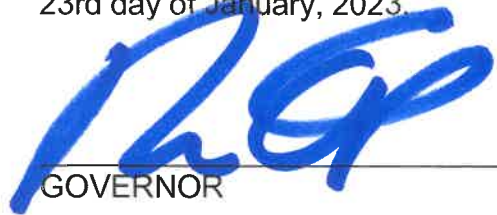
WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence of DONALD DAVID DILLBECK pursuant to section 922.052, Florida Statutes.

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 DONALD DAVID DILLBECK, 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, the Capital, this 23rd day of January, 2023.


GOVERNOR

ATTEST:


SECRETARY OF STATE

2023 JAN 23 PM 2:37
SECRETARY OF STATE
TALLAHASSEE, FL

FILED

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT, SECOND
JUDICIAL CIRCUIT, IN AND FOR

LEON COUNTY, FLORIDA

DIVISION FELONY

CASE NUMBER 90-2795AF

3-15-91

STATE OF FLORIDA

DONALD DAVID DILLBECK

Defendant

JUDGMENT

The Defendant, DONALD DAVID DILLBECK, being personally before this

Court represented by R. MURRELL, his attorney of record, and having:

(Check Applicable Provision)

- Been tried and found guilty of the following crime(s)
- Entered a plea of guilty to the following crime(s)
- Entered a plea of nota contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
1	MURDER - FIRST DEGREE	782.04(1)	CAPITAL FEL.	90-2795AF
2	ARMED ROBBERY	812.13(2A)	FEL. 1	90-2795AF
3	ARMED BURGLARY	810.02(2B)	FEL. 1	90-2795AF

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

The Defendant is hereby ordered to pay the sum of \$20.00 pursuant to F.S. 860.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of \$3.00 as a court cost pursuant to F.S. 943.23(4).

- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8). (This provision is optional; not applicable unless checked).
- The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835. (This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of a sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).
- The Court hereby imposes additional court costs in the sum of \$ _____

(Check if Applicable)

Certified Copy
Attest:

Bob Inzer



Clerk of Circuit Court
Leon County, Florida

Swan Hill
9/20/2012

3154

Imposition of Sentence
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____
and places the Defendant on probation for a period of _____
under the supervision of the Department of Corrections (conditions of probation set forth in
separate order.)











Sentence Deferred
Until Later Date
(Check if Applicable)

The Court hereby defers imposition of sentence until _____
(Date)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the
Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The
Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing
of indigency.


JUDGE

FINGERPRINTS OF DEFENDANT

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

Fingerprints taken by:

George Branzel LCSO Donald Dillbeck
Name and Title DONALD DAVID DILLEBECK

DONE AND ORDERED in Open Court at LEON County, Florida, this 15th day
of March, A.D. 19 91. I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of
the Defendant, DONALD DAVID DILLBECK and that they were placed thereon by said Defendant in my
presence in Open Court this date.


JUDGE

Defendant DONALD DAVID DILLBECK

Case Number 90-2795AF

SENTENCE

(As to Count 1)

The Defendant, being personally before this Court, accompanied by his attorney, R. MURRELL

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 he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

The Defendant pay a fine of \$ _____ plus \$ _____ as the 5% surcharge required by F.S. 950.23.

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 _____ County, Florida
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

For a term of Natural Life

For a term of Death

For an indeterminate period of 6 months to _____ years.

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

If "split" sentence complete either of these two paragraphs

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

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.15(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

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.

Defendant DONALD DAVID DILLBECK

Case Number 90-2795AF

SENTENCE

(As to Count 2)

The Defendant, being personally before this Court, accompanied by his attorney, R. MURRELL

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 he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 950.25.

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 _____ County, Florida
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

For a term of Natural Life

For a term of _____

For an indeterminate period of 6 months to _____ years.

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

If "split" sentence complete either of these two paragraphs

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

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.15(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

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.

3157

Defendant DONALD DAVID DILLBECK

Case Number 90-2795AF

SENTENCE

(As to Count 3)

The Defendant, being personally before this Court, accompanied by his attorney, R. MURRELL

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 he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

The Defendant pay a fine of \$ _____ plus \$ _____ as the 5% surcharge required by F.S. 980.25.

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 _____ County, Florida
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

For a term of Natural Life

For a term of _____

For an indeterminate period of 6 months to _____ years.

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

If "split" sentence complete either of these two paragraphs

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

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.18(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

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 2 above.

Defendant DONALD DAVID DILLBECK

Case Number 90-2795AF

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 consecutive to concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of LEON County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of his Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at LEON County, Florida, this 15TH day of MOBEC A.D. 1991



JUDGE