



RON DeSANTIS
GOVERNOR

October 5, 2026

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

Re: Execution Date for Jesse Guardado, DC# 324342

Dear Warden Polk:

Enclosed is the death warrant that I signed to carry out the sentence for Jesse Guardado, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Thursday, November 5, 2026, through 12:00 noon on Thursday, November 12, 2026, for the execution. I have been advised that you have set the date and time of execution for Thursday, November 5 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

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2026 OCT -5 AM 11:40
DEPARTMENT OF STATE
TALLAHASSEE, FL

Warden Randall Polk

October 5, 2026

Page 2

cc:

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

Honorable John Simon
Chief Judge, 1st Judicial Circuit
M.C. Blanchard Building
190 Governmental Center, 5th Floor
Pensacola, Florida 32502

Secretary Richard D. Comerford
Department of Corrections
501 S. Calhoun Street
Tallahassee, Florida 32399-2500

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

Dawn Macready
Capital Collateral Regional Counsel
CCRC- North
1004 DeSoto Park Drive
Tallahassee, Florida 32301

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

Jesse Guardado, DC# 324342
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32083



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

October 5, 2026

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

RE: Jesse Guardado

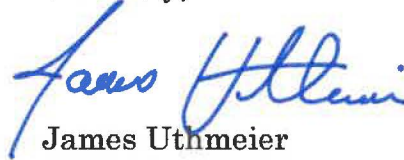
Dear Governor DeSantis:

Jesse Guardado knew 75-year old Jackie Malone because he had previously rented places to live from her and had been a guest in her home. On September 13, 2004, Guardado, armed with a metal breaker bar and a kitchen knife, went to Ms. Malone's home to obtain money to continue his cocaine binge. *Guardado v. State*, 965 So. 2d 108, 110 (Fla. 2007). Ms. Malone opened the door for Guardado and when she turned to walk into her house, Guardado repeatedly hit her on her head with the breaker bar. When she did not die, Guardado stabbed her several times with the kitchen knife and then slashed her throat. He took her purse, jewelry box, briefcase, and cell phone. Guardado was indicted for first-degree murder and robbery with a weapon. Guardado pled guilty to both counts and was sentenced to death for the murder. The Florida Supreme Court affirmed the convictions and sentences and the United States Supreme Court denied certiorari. *Guardado v. State*, 965 So. 2d 108 (Fla. 2007), *cert. denied*, 552 U.S. 1197 (2008).

Guardado engaged in unsuccessful postconviction litigation in state and federal courts. *See Guardado v. State*, 176 So. 3d 886 (Fla. 2015) (affirming denial of initial postconviction motion); *Guardado v. Jones*, 226 So. 3d 213 (Fla. 2017) (denying state habeas petition), *cert. denied*, *Guardado v. Jones*, 138 S. Ct. 1131 (2018) (No. 17-7545); *Guardado v. State*, 238 So. 3d 162 (Fla. 2018) (affirming denial of successive motion for postconviction relief), *cert. denied*, 139 S. Ct. 477 (2018) (No. 17-9284); *Guardado v. Sec'y, Dep't of Corr.*, 112 F.4th 958 (11th Cir. 2024) (affirming denial of petition for writ of habeas corpus), *cert. denied*, *Guardado v. Dixon*, 145 S. Ct. (2025).

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, appearing to read "James Uthmeier", is written over the typed name.

James Uthmeier
Attorney General

CERTIFIED A TRUE COPY

3-17 20 26

CRYSTAL SCONIERS
CLERK OF THE CIRCUIT
COURT & COMPTROLLER
WALTON COUNTY, FLORIDA

____ Probation Violator
 ____ Community Control Violator
 ____ Retrial
 ____ Resentence

In The Circuit Court, First Judicial Circuit
 in and for Walton County, Florida
 Division Circuit Felony
 Case Number: 04CF903

BY: [Signature]
DEPUTY CLERK

State of Florida
 Vs
JESSE GUARDADO
 Defendant

FILED
 WALTON CO FLORIDA
 CLERK OF COURTS
 2005 OCT 13 P 1:45

JUDGMENT

The defendant, JESSE GUARDADO, being personally before this court
 represented by JAY GONTAREK & JASON COBB the attorney of record, and the state
 represented by BOBBY ELMORE, and having

X 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)

Count	Crime	Offense Statute Number	Degree of Crime	Case Number
I	FIRST DEGREE PREMEDITATED OR FELONY MURDER WITH A WEAPON	782.04 775.087	CF	04CF903
II	ROBBERY WITH A WEAPON	812.13(2)(b)	F-1*	04CF903

X 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 having been convicted or found guilty of, or having entered a plea of nolo contendere of guilty, regardless of adjudication, to attempts or offenses relating to sexual battery(ch. 794), lewd and lascivious conduct (ch.800), or murder(s.782.04) aggravated battery(s.784.045), carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.
 ____ and good cause being shown: **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**

CERTIFIED A TRUE COPY

3-17 20 26

CRYSTAL SCONIERS
CLERK OF THE CIRCUIT
COURT & COMPTROLLER
WALTON COUNTY, FLORIDABY: [Signature]
DEPUTY CLERKIN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR
WALTON COUNTY, FLORIDASTATE OF FLORIDA
VS.CASE NUMBER: 04CF903Jesse Guardado

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: William C. Cured Bailiff
Name TitleI HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant Jesse Guardado SSN 264438712, and that they were placed thereon by said defendant in my presence, in open court, in Walton County, this 13 day of October, 2005.

Judge

CERTIFIED A TRUE COPY

3-17-26

CRYSTAL SCONIERS
CLERK OF THE CIRCUIT
COURT & COMPTROLLER
WALTON COUNTY, FLORIDA

BY:

DEPUTY CLERK

Defendant JESSE GUARDADO Case Number 04CF903 OBTS Number _____**SENTENCE**
(As to Count ALL.)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, JAY CONTAREN, JASON CORR, 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 resents 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 WALTON 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 ON CT 1, AND 30 YEARS DOC CONS ON CT 2.

_____ 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 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 supervision terms.

Defendant JESSE GUARDADO Case Number 04CF903**OTHER PROVISIONS, CONTINUED:**

Consecutive/Concurrent _____ It is further ordered that the sentence imposed for this count
As To Other Counts shall run (check one) _____ consecutive to _____ concurrent
with the sentence set forth in count ____ OF

Consecutive/Concurrent _____ X It is further ordered that the composite term of all sentences
As To Other convictions imposed for all counts specified in this order shall run
(check one) _____ consecutive to X concurrent
with the following:
(check one)

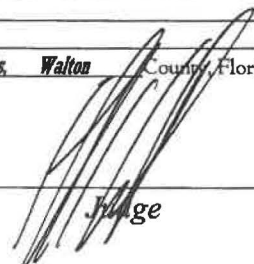
_____ any active sentence being served.
X specific sentences: EACH COUNT
CASE IN THIS JUDGMENT IS TO RUN
CONCURRENT WITH EACH OTHER.

In the event the above sentence is to the Department of Corrections, the Sheriff of Walton 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 DeFuniak Springs, Walton County, Florida this 13TH day
OCTOBER, 2005.



Judge

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA
CRIMINAL DIVISION

CERTIFIED A TRUE COPY
3-17 20 26
CRYSTAL SCONIERS
CLERK OF THE CIRCUIT
COURT & COMPTROLLER
WALTON COUNTY, FLORIDA

BY: 
DEPUTY CLERK



CASE NO. 04CF000903

STATE OF FLORIDA,

Plaintiff,

v.

JESSE GUARDADO,

Defendant.

OCT 13 2005

SENTENCING ORDER

The defendant previously pled guilty before the Court to both counts of the Indictment (Count I - *Murder in the First Degree*; Count II - *Robbery With a Weapon*). On September 12-15, 2005, a penalty phase jury convened and heard evidence in support of aggravating factors and mitigating factors. The defendant testified before the penalty phase jury. On September 15, 2005, the jury returned a unanimous twelve to zero (12-0) recommendation that the defendant be sentenced to death. On September 15, 2005, after the jury's advisory sentence, the defendant waived a Spencer¹ hearing and the Court then found the defendant's waiver to be voluntarily entered, but stressed to defendant that he would again be offered the opportunity to present additional mitigation before sentencing. On September 15, 2005, the Court requested that both counsel for the state and counsel for the defendant submit sentencing memoranda at least five days before the final sentencing; and the Court set final sentencing for September 30, 2005. The defense memorandum was received on September 20, 2005. The State's memorandum was received on September 27, 2005. In its sentencing memorandum, the State specifically requested a Spencer hearing despite defendant's purported waiver and the Court's colloquy related thereto. On September 30, 2005, over defendant's continued assertion of waiver, the Court held a Spencer hearing, received additional mitigation evidence, and set final sentencing for today, October 13, 2005. The Court allowed both sides three workdays to submit an addendum to their

¹ Spencer v. State, 615 So. 2d 688 (Fla. 1993). At a Spencer hearing, the defendant is allowed to present additional mitigating evidence to the trial judge. The State is also allowed to present additional evidence as to the aggravating factors presented to the advisory jury, but may not present new aggravating factors or evidence thereof. Both sides are also allowed additional argument.

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sentencing memorandum. Prior to adjournment of the Spencer hearing, the State announced on the record that it would not submit an addendum. The defendant did not submit an addendum within the time allowed. In that the case was not tried before a jury, the Court's determination of aggravating and mitigating factors is based solely upon the evidence presented at the penalty phase proceedings held September 12-15, 2005, and the Spencer hearing held on September 30, 2005. Having heard and considered the evidence and argument of counsel presented in the penalty phase proceedings and Spencer hearing, and having considered the sentencing memoranda, the Court finds as follows:

A. AGGRAVATING FACTORS

1. The capital felony was committed by a person under sentence of imprisonment or on conditional release supervision. See Section 921.141(5)(a), Florida Statutes. The defendant, JESSE GUARDADO, was previously sentenced to state prison for 20 years for the crime of *robbery with a deadly weapon* in Orange County, Florida, and to 15 and 20 years for the crimes of *robbery* and *robbery with a weapon* in Seminole County, Florida, running concurrent to the Orange County sentence. He was placed on conditional release supervision on January 1, 2003, related to the aforementioned cases. His conditional release supervision was due to expire on February 6, 2014, as established by State's Exhibit # 16, a Certificate of Conditional Release and Terms of Conditional Release for defendant, and by the testimony of Mr. Gilbert Fortner, a Florida Department of Corrections probation officer, who was assigned the defendant when arrested in this case. This homicide occurred on or about September 13, 2004. Thus, the defendant was under a sentence of imprisonment or on conditional release supervision when he committed this capital felony. This aggravating circumstance was proved beyond a reasonable doubt.

2. The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person. See Section 921.141(5)(b), Florida Statutes. The evidence established that the defendant JESSE GUARDADO was previously convicted of the following crimes (listed by offense; date of conviction/sentence; case number; county/state; and sentence):

(1) *Armed Robbery*, April 9, 1984, case 83-1608, Orange County, Florida, for which defendant was sentenced to state prison. (A certified copy of the conviction and sentence was admitted in evidence as State's Exhibit # 12).

(2) *Robbery With a Deadly Weapon*, July 6, 1990, case 89-5977, Orange County, Florida, for which defendant was sentenced as a habitual offender to state prison, concurrent with cases 89-5977 and 89-2454-CFA. (A certified copy of the conviction and sentence was admitted in evidence as State's Exhibit # 15).

(3) *Robbery, January 23, 1991*, case 89-2454-CFA, Seminole County, Florida, for which defendant was sentenced to state prison, concurrent with case 89-5977. (A certified copy of the conviction and sentence was admitted in evidence as State's Exhibit # 13).

(4) *Robbery With a Weapon, January 23, 1991*, case 89-2496-CFA, Seminole County, Florida, for which defendant was sentenced to state prison, concurrent with cases 89-5977 and 89-2454-CFA. (A certified copy of the conviction and sentence was admitted in evidence as State's Exhibit # 14).

(5) *Attempted Robbery With a Deadly Weapon*, case 04CF000920, Walton County, Florida, to which defendant pled guilty and was sentenced on February 17, 2005, as a violent career criminal, to state prison for 40 years. The evidence shows that defendant confessed to this crime committed on or about September 13, 2004 (in the evening, shortly before the murder in the instant case). DeFuniak Springs Police Officer Derek Walters testified that, while on duty on September 13, 2004, he responded to a dispatch call at about 7:28 p.m. to an attempted robbery at the local Winn-Dixie grocery store and met with the victim Mr. James Brown in his investigation of the incident. Mr. James Brown, the victim, testified before the penalty phase jury that while he was working as an employee at the local Winn-Dixie store in DeFuniak Springs, Florida, and while kneeling down in one of the aisles while stocking shelves, a person (who he did not get a good look at) approached him from behind, placed a knife to his throat, and demanded his wallet before running from the scene after he (Mr. Brown) yelled. During the penalty phase proceedings, the prosecutor read to the jury the defendant's stipulation that he was convicted of this crime of *attempted robbery with a deadly weapon*. The Court also takes judicial notice of this prior conviction for purpose of consideration of the sentence to be imposed for this crime.

These five prior convictions for *armed robbery, robbery with a deadly weapon, robbery, robbery with a weapon*, and *attempted robbery with a deadly weapon*, are felonies involving the use or threat of violence to another person. This aggravating circumstance was proved beyond a reasonable doubt.

3. The capital felony was committed while the defendant was engaged in the commission of, or attempt to commit, or escape after committing a robbery with a weapon. See Section 921.141(5)(d), Florida Statutes. The defendant JESSE GUARDADO was charged and, upon his plea of guilty on October 19, 2004, in the instant case to Count 2, convicted of committing a *robbery with a weapon* on Ms. Jackie Malone, the victim of this homicide. The evidence shows that the defendant stole from Ms. Malone's residence, property belonging to the victim, including a jewelry box, a brief case, a cellular telephone, and purse which contained cash and a check book with checks. The defendant also admitted in his own testimony in the penalty phase that he robbed Ms. Malone of said personal property at the time that he committed the murder. The capital felony was committed, therefore, while the defendant was engaged in the commission of a robbery with a weapon. This aggravating circumstance was proved beyond a reasonable doubt.

4. **The capital felony was especially heinous, atrocious, or cruel ("HAC").** See Section 921.141(5)(h), Florida Statutes. The evidence shows the following. The defendant JESSE GUARDADO personally knew Ms. Jackie Malone, the 75-year old victim, since on or about 2003. The defendant had been a guest in the Ms. Malone's home (including a few overnight stays when he was in between rentals), had on numerous occasions received assistance from the victim (including financial assistance and help in finding a job -- including the job he held with the Niceville waste water treatment plant at the time of this crime). The defendant had rented places of residence from Ms. Malone (who was a realtor and property manager). The defendant, based on his prior relationship with Ms. Malone, knew that the victim kept some money on hand, including in her wallet. The defendant, in need of money to fix his truck and to obtain crack cocaine for his personal use and recent crack cocaine binging, decided to go to the Ms. Malone's house (located in a remote or secluded area of Walton County, Florida) in the middle of the night (the night of September 13/14, 2005), armed with two weapons (a metal "breaker bar" and a kitchen knife) (State's Exhibits # 3 & 4). Defendant, using his girlfriend's car, drove to the Ms. Malone's home. Ms. Malone had gone to bed for the night. When defendant arrived at Ms. Malone's home, he repeatedly knocked on the door to awaken her and then identified himself by name when she came to the door. Ms. Malone, in her night clothes, opened the front door and greeted the defendant at which time he lied to her that he needed to use her telephone. As Ms. Malone turned away from defendant to allow him to enter the house, the defendant then pulled the "breaker bar" from his pants behind his back and struck Ms. Malone with repeated brutal blows about her head. Ms. Malone raised her hands in defense of the blows. She then fell to the living room floor. Ms. Malone did not die from the repeated blows from the breaker bar, so the defendant then pulled the kitchen knife he had on his person and brutally stabbed her and slashed her throat. The defendant, in his audio and video taped confession to law enforcement investigators (State's Exhibits # 8 and 9, respectively), stated to the effect that he hit Ms. Malone on the head with the breaker bar and thought that would have killed her, but it did not, so he hit her repeatedly. Defendant stated that Ms. Malone fell to the floor behind the couch but it just seemed that she was not going to die, so he tried to stab her with a knife, including to the heart, so it would have been over; but it just seemed not to go that way, she would not die. Defendant further stated that during his earlier days in incarceration at Marianna, he had a job cutting beef, so he knew how to slash across the throat. The defendant further stated that he had hit Ms. Malone repeatedly because she had put her hands up. After beating and stabbing Ms. Malone, the defendant then proceeded to her bedroom where he looked through her belongings for money and valuables, and took her jewelry box, briefcase, purse, and cell phone. Dr. Andrea Minyard, a forensic pathologist and the Chief Medical Examiner for the First District (covering Walton County, Florida), testified that, based upon her review of the autopsy report and the autopsy photographs of Ms. Malone, the victim had suffered injuries including (1) multiple (at least twelve) abrasions, contusions and lacerations of the skin on the head, neck and face, (2) bruising under the surface of the scalp, (3) a subarachnoid hemorrhage, (4) at least two incised wounds on the neck, (5) five stab wounds to the chest, (6) a fracture of the finger, and (7) incised wounds to the right hand. Dr. Minyard identified injuries to Ms. Malone as

depicted in twelve photographs of the victim's body at time of the autopsy (State's Exhibits #11a-f). The evidence established beyond a reasonable doubt that Ms. Malone was conscious at least through the time that the defendant inflicted the stab wound to her heart. The medical examiner testified, that in her opinion (1) the victim's injuries were consistent with having been inflicted by an instrument such as the breaker bar (State's Exhibit 3), and the incised wounds and stab wounds by the kitchen knife (State's Exhibit 4); (2) the fracture to the victim's finger was consistent with the victim attempting to fend off the defendant's repeated blows with the breaker bar; and (3) the incised wound to the victim's right hand in the webbing between her index and middle fingers was most consistent with the victim attempting to fend off her attacker by reaching or grabbing for the knife as the defendant repeatedly stabbed her; that it was a textbook example of a victim grabbing at a knife. The medical examiner also testified that the knife wound inflicted to the victim's throat was "pre-mortem", in other words it was not fatal and the victim was still alive after the wound as evidenced by her continuing to breathe in some blood, and therefore, it was inflicted before the fatal stab wound to the heart. The medical examiner further opined that the fatal wound to the victim was the stab to her heart which resulted in filling of the pericardial sac with blood, thereby preventing the heart from beating normally, and which would have rendered the victim unconscious from a few seconds to a couple of minutes for the time to fill up the pericardial sac. The medical examiner opined that the victim experienced a painful death from the defendant's attack. In conclusion, this murder was indeed a conscienceless, pitiless crime, which was unnecessarily torturous to the victim. The evidence establishes beyond a reasonable doubt that the defendant administered a savage attack on Ms. Malone first by repeated blows about her head and limbs with a metal bar, which she tried to fend off and sustained a finger fracture; that the defendant then observed Ms. Malone still alive and lying on the floor despite that flurry of blows; that the defendant then mindful of his previous prison job slaughtering cattle, took out a kitchen knife that he brought with him and twice slashed Ms. Malone's throat and stabbed her (including the fatal stab to her heart) while she grabbed for the knife further trying to fend off or fight her attacker. The defendant admitted the facts concerning the crime. The evidence fully supports and corroborates his admissions. This aggravating circumstance that the capital felony was especially heinous, atrocious, or cruel was proved beyond a reasonable doubt.

5. The crime for which the defendant is to be sentenced was committed in a cold and calculated and premeditated manner, without any pretense of moral or legal justification. ("CCP"). See Section 921.141(5)(i), Florida Statutes. The defendant JESSE GUARDADO, looking to get high and continue his recent crack cocaine binge and desperate for money for drugs, first went to a local grocery store in the early evening of September 13, 2004, and committed an attempted robbery with a knife against a store employee but was left with no money because the employee-victim thwarted defendant's actions to get his wallet. Later that evening/night, the defendant calmly arranged to drive his girlfriend's vehicle to work (for night shift). The defendant knew that he maintained a change of work clothes in his girlfriend's

car given the nature of his work, and in particular, for this evening/night because the landfall of a hurricane was due to arrive in the next couple days and he had prepared changes of clothing should storm damages require him to remain at work in the days following the hurricane. (Walton County Sheriff's Investigator Lorenz testified that Hurricane Ivan made landfall or struck in the area in the late evening or morning hours of September 15/16.) The defendant drove to the parking lot at Wal-Mart in DeFuniak Springs, where he obtained (from his disabled truck parked there) the kitchen knife, to carry along with the breaker bar already in his possession and that he planned to use to kill Ms. Malone. The defendant confessed that he chose Ms. Malone to murder and rob at night because of the secluded location of her home and because she would open her home to him, even in the dark of the night, because of their prior trusting relationship. During his confession, the defendant admitted that he "knew what he was going to do", or words to that effect, when he drove to the Ms. Malone's home. Also, when asked by Walton County Sheriff's Investigator Roy if he planned to kill Ms. Malone, the defendant answered to the effect, "yes, and get the money". In his testimony during the penalty phase proceedings before the jury, the defendant made no attempt to claim that his decision to kill the victim was not the product of calm and cool reflection; he also made no claim that he was in a frenzied state of mind or rage or that his decision to kill was impromptu, spontaneous, or instantaneous at the time he began the robbery of Ms. Malone. Dr. James Larson, the defense's forensic psychologist, testified before the advisory jury that the defendant was not suffering from any extreme mental or emotional disturbance at the time of the murder and he did not offer any evidence to rebut that the murder was the product of calm and cool reflection. Finally, the defendant made no claim of moral or legal justification. As Investigator Lorenz testified before the advisory jury, during the course of his initial meeting with defendant and while seated in the back seat of the investigators' vehicle, the defendant made a spontaneous statement to him, to the effect that "That lady didn't deserve what I did to her". In his confession and his testimony before the advisory jury, the defendant stated the same and admitted that he had made such spontaneous statement to the law enforcement investigator. This aggravating circumstance was proved beyond a reasonable doubt.

6. None of the other aggravating factors enumerated by statute are found applicable to this case and this Court has not considered them. Nothing except as previously indicated in paragraphs 1-5 above was considered in aggravation.

B. MITIGATING FACTORS

Statutory Mitigating Factors

In his sentencing memorandum, the defendant requested the court to consider the following statutory mitigating circumstances:

None. The Court finds no statutory mitigating factors.

Nonstatutory Mitigating Factors

In his sentencing memorandum, the defendant has asked the Court to find the following nonstatutory mitigating factors:

- (1) The defendant entered a plea of guilty to the charge of first degree murder without asking for any plea bargain or other favor in exchange.**
- (2) The defendant has fully accepted responsibility for his actions and blames nobody else for this crime.**
- (3) The defendant pursuant to expert testimony is not a psychopath and in Dr. Larson's opinion would not be a danger to other inmates or correctional officers should he be given a life sentence.**
- (4) The defendant could contribute to an open prison population and work as a plumber or as an expert in waste water treatment plant operations should he be given a life sentence.**
- (5) The defendant fully cooperated with law enforcement to quickly resolve this case to the point of helping law enforcement recover evidence to be used against him in the trial.**
- (6) The defendant has a good jail record while awaiting trial with not a single incident or discipline report.**
- (7) The defendant has consistently shown a great deal of remorse for his actions.**
- (8) The defendant has suffered most of his adult life with an addiction problem to crack cocaine, which was the basis of his criminal actions.**
- (9) The defendant has a good family and a good family support system that could help him contribute to an open prison population.**
- (10) The defendant testified that he would try to counsel other inmates to take different paths than what he has taken should he be given a life sentence.**

At the Spencer hearing, defense counsel offered in additional mitigation the defense expert witness Dr. James D. Larson's written psychological evaluation of the defendant. Based upon a review and consideration of said evaluation/report, the Court finds the following additional nonstatutory mitigating factors:

- (11) As a child, the defendant suffered a major trauma in his life by the crib death of a sibling.**

(12) As a child, the defendant suffered another major trauma in his life by being sexually molested by a neighbor.

(13) The defendant has a lengthy history of substance abuse (with marijuana and quaaludes) beginning in his early teenage years and graduating to alcohol and cocaine use; and substance abuse treatment beginning about age 14 or 15.

(14) The defendant's biological father passed away before defendant developed any lasting memories of him.

(15) The defendant was raised by his mother, who he has always considered loving, thoughtful and concerned; and by a stepfather, who he later came to respect, having realized his discord with his family in his teen years was mainly over his substance abuse.

(16) The defendant was under emotional duress during the time frame of this crime.

(17) The defendant does not suffer a mental illness or major emotional disorder.

In its Sentencing memorandum, the State suggested that the Court find a number of nonstatutory mitigating factors (some of which are already addressed above as presented by the defense), including two additional factors listed here, which the Court so finds.

(18) The defendant offered to release his personal property, including truck, to his girlfriend.

(19) The defendant previously contributed to state prison facilities as a plumber and in waste water treatment work.

The following discussion, findings and weight given as to each nonstatutory mitigating factor is set forth below.

(1) The defendant entered a plea of guilty to the charge of first degree murder without asking for any plea bargain or other favor in exchange. One of the investigators assigned to the case, Investigator James Lorenz, a 20-year veteran with the Walton County Sheriff's Office, testified before the advisory jury that the defendant confessed without asking for a plea bargain or other favor in exchange therefore and that he wanted to plead guilty to first degree murder and get the matter over with as quickly as possible. The defendant also testified to same. The evidence otherwise establishes that the defendant did so. The Court has given this factor great weight.

(2) The defendant has fully accepted responsibility for his actions and blames nobody else for this crime. & (7) The defendant has consistently shown a great deal of remorse for his actions. The evidence shows that the defendant appears to be truly remorseful for what he has done. This is evident by the fact that he gave a voluntary confession. His audio and video recorded confession displays much remorse. The defendant expressed in his testimony before the advisory jury that next to his mother, Ms. Malone was probably the best person he had ever met in his life; and he expressed a sincere apology to her family. Dr. James Larson, the defense's psychologist, testified before the advisory jury that the defendant made numerous expressions of genuine remorse to Dr. Larson himself during his interviews for evaluation, during law enforcement interviews based upon records Dr. Larson had reviewed for purposes of the evaluation, and based upon certain results from his MMPI-2 testing of the defendant. The Court does find and recognize that the evidence shows that law enforcement authorities had already developed the defendant as a suspect when they first met with him and at which time he agreed to cooperate. In any event, the defendant's remorse, his voluntary confession, and his guilty plea avoiding the necessity for a guilt phase trial are recognized mitigating circumstances. The Court has given factor (2) great weight and factor (7) great weight.

(3) The defendant pursuant to expert testimony is not a psychopath and in Dr. Larson's opinion would not be a danger to other inmates or correctional officers should he be given a life sentence. Dr. James Larson evaluated the defendant in preparation of the defense case for mitigation. Dr. Larson testified that, in his opinion, the defendant is absolutely not a psychopath. Dr. Larson testified that on the Hare Psychopath Inventory (a testing instrument to look at the "worst of the worst", in other words, those persons who show no remorse and who do not take responsibility for their crimes) the defendant scored in the average range of inmates and he did not score high in any way. In response to questioning as to whether defendant would be a risk to others in prison, Dr. Larson further opined that he would expect the defendant to adjust well to prison given he already had spent about twenty years of his adult life in prison without incident and he suffers from no mental illness. The Court has given this factor moderate weight.

(4) The defendant could contribute to an open prison population and work as a plumber or as an expert in waste water treatment plant operations should he be given a life sentence. The evidence shows that the defendant is well trained, educated, and skilled as a professional in plumbing and in waste water treatment operations. The defendant testified before the advisory jury that while incarcerated he worked as a 24-hour on-call plumber and could handle any plumbing job required in a department of corrections' facility; that while incarcerated he became trained, educated and Florida certified in waste water treatment; and that during his release on conditional release supervision he first worked as the lead operator (including responsibility for reports to the state's Department of Environmental Protection) at the waste water treatment facility with the City of DeFuniak Springs and then later at the waste water treatment plant for the City of Niceville. The defendant's mother, in her letter admitted in

evidence before the advisory jury as Defendant's Exhibit # 2, states in relevant part, that her son is an intelligent, responsible person and was given recognition awards for handling well his waste water job, that he dealt with the many pressures of the job (including handling many serious problems on his own when his backup person was inaccessible), and that he was the person who kept the water in town safe. The court has given this factor little weight.

(5) The defendant fully cooperated with law enforcement to quickly resolve this case to the point of helping law enforcement recover evidence to be used against him in the trial. The evidence shows that law enforcement authorities had already developed the defendant as a suspect when he was first questioned and that he agreed to cooperate with them from that first meeting. In any event, the evidence, including Walton County Sheriff's Investigator Lorenz's testimony and defendant's own testimony before the advisory jury, showed that the defendant immediately cooperated with law enforcement, beginning with his expressing a desire to talk to the investigators, his meeting shortly thereafter with investigators to search his disabled truck at Wal-mart's parking lot, subsequently his confession as earlier noted with respect to the nonstatutory mitigating factor (1) above, and then through law enforcement's search efforts resulting in the eventual recovery of the two murder weapons. The Court has given this factor great weight.

(6) The defendant has a good jail record while awaiting trial with not a single incident or discipline report. The evidence shows that the defendant has displayed good conduct in jail while awaiting the penalty phase proceedings in the instant case. Defendant's Exhibit # 1 is a Walton County Sheriff's Office letter dated September 13, 2005, documenting that that defendant has had no disciplinary or jail incident reports during his incarceration. The Court has given this factor little weight.

(8) The defendant has suffered most of his adult life with an addiction problem to crack cocaine, which was the basis of his criminal actions. The evidence, including his report to Dr. James Larson as part of his psychological evaluation in the instant case, shows that the defendant has suffered from drug abuse beginning in his early teenage years and in his adult life (albeit that he was incarcerated in prison for most of his adult life), and that he abused alcohol and drugs shortly after his release from prison to conditional release supervision in January 2001, and that he particularly abused crack cocaine in the weeks or months preceding this murder. Substance abuse is a mitigating circumstance. Drug addiction is a disease and is recognized as a mitigating circumstance. The Court has given this factor some weight.

(9) The defendant has a good family and a good family support system that could help him contribute to an open prison population. The evidence shows that the defendant has a good family and a good family support system that could help him contribute to an open prison population. His mother's support is clearly evident through her letter admitted in evidence to the advisory jury. The defendant in his own testimony before the advisory jury clearly expressed his love and caring for his mother and stepfather (who have now been married about 32-33 years) as

he looked and spoke toward his family members seated in the courtroom. The defendant further testified that his family especially supported him through these times. He also testified about and visibly expressed great fondness for his three natural brothers (who work in heavy construction and other construction, and aircraft mechanics), a stepsister (retired from emergency room nursing) and a stepbrother (a respiratory therapist), all of whom he mentioned by name. The Court has given this factor moderate weight.

(10) The defendant testified that he would try to counsel other inmates to take different paths than what he has taken should he be given a life sentence. The defendant in his own testimony before the advisory jury expressed a sincere willingness to offer any guidance to other inmates to better themselves and to not make more wrong decisions as he has done. The Court has given this factor moderate weight.

(11) As a child, the defendant suffered a major trauma in his life by the crib death of a sibling. Dr. James Larson noted in his written evaluation that the defendant reported to him the infant sibling's death. The Court finds the defendant's loss of an infant sibling during his childhood to be a mitigating factor. The court has given this factor moderate weight.

(12) As a child, the defendant suffered another major trauma in his life by being sexually molested by a neighbor. Dr. James Larson noted in his written evaluation that the defendant reported to him the sexual abuse by a neighbor during his childhood. The Court finds the abuse suffered by defendant in his childhood to be a mitigating factor. The Court has given this factor moderate weight.

(13) The defendant has a lengthy history of substance abuse (with marijuana and quaaludes) beginning in his early teenage years and graduating to alcohol and cocaine use; and substance abuse treatment beginning about age 14 or 15. Dr. James Larson noted in his written evaluation and testified before the advisory jury that the defendant had a lengthy history of substance abuse and substance abuse treatment. The Court has given this factor little weight.

(14) The defendant's biological father passed away before defendant developed any lasting memories of him. Dr. James Larson noted in his written evaluation and the defendant himself testified before the advisory jury that his biological father had died when defendant was very young. The Court has given this factor little weight.

(15) The defendant was raised by his mother, who he has always considered loving, thoughtful and concerned; and by a stepfather, who he later came to respect, having realized his discord with his family in his teen years was mainly over his substance abuse. Dr. James Larson noted in his written evaluation and the defendant himself testified before the advisory jury that his mother and stepfather raised him, that he always considered his mother loving, thoughtful and concerned, that he later came to respect his stepfather and any difficulty or discord that he might have had with his family in his teen years mostly concerned his substance abuse. The court has given this factor little weight.

(16) The defendant was under emotional duress during the time frame of this crime.

Dr. James Larson noted in his written evaluation that the defendant was under emotional duress during the time frame of this crime, and testified before the advisory jury that, in his opinion, he meant this in the sense that defendant had expressed that he was recently out of jail and so had economic problems, had difficulties adjusting to society, and was turning to old habits such as substance abuse. On cross-examination, Dr. Larson testified that his opinion in this regard *was not* that defendant was under any extreme mental or emotional duress; *was not* that defendant was under the domination of another person; and *was not* that defendant was substantially impaired. Rather his findings and opinion in this regard included that defendant did appreciate the criminality of his conduct and could conform his conduct to law, that defendant did know right from wrong, and that the defendant suffered no mental defect, no emotional disorder, and no organic brain damage. Dr. Larson also acknowledged on cross-examination that defendant was out of prison about 2-1/2 years at the time of this murder, and also that defendant was gainfully employed and had gone to work for the night after this crime. Finally, the evidence shows, including by defendant's own testimony, that he had the support of his mother, his girlfriend, and also the victim. The court has given this factor little weight.

(17) The defendant does not suffer a mental illness or major emotional disorder.

Dr. James Larson noted in his written evaluation and testified before the advisory jury that, in his opinion, the defendant did not suffer a mental illness or major emotional disorder during the time frame of this crime. Dr. Larson testified that based upon his basic psychological, personality and intelligence (or cognitive) testing of defendant, he found that the defendant had no symptoms of a psychopath, his thought processes were well organized and thoughtful, he suffered some depression of course because of the circumstances of the offense, that he scored in the upper part of the average range of intelligence functioning, that his raw IQ score placed him in the 70th percentile, and his full scale IQ placed him in the 63rd percentile. As noted above as to factor (16), on cross-examination, Dr. Larson acknowledged that, in his opinion, the defendant suffered no mental defect, no emotional disorder, and no organic brain damage. The court has given this factor little weight.

(18) The defendant offered to release his personal property, including truck, to his girlfriend. In his testimony before the advisory jury, the defendant offered that he wanted his personal belongings, including his truck that had been left in the Wal-Mart parking lot, to go to his girlfriend. The court has given this factor little weight.

(19) The defendant previously contributed to state prison facilities as a plumber and in waste water treatment work. The evidence, through defendant's own testimony and through Dr. Larson's testimony before the advisory jury, clearly established that the defendant did plumbing work for about 18 of his years spent in incarceration; that he enjoyed such work immensely; that he contributed and was available "on-call" 24 hours a day for such work; that he could handle any plumbing job required in a department of corrections' facility; and that in his

later years of incarceration, through his own efforts to pick up the trade in waste water treatment, he contributed by handling work outside the prison confines where the those treatment plants were located. The court has given this factor little weight.

C. Summary of Findings.

The Court has given the jury's advisory sentence and recommendation great weight. The Court has very carefully considered and weighed the aggravating and mitigating circumstances found to exist in this case, being ever mindful that a human life is at stake. The Court finds, as did the jury, that the aggravating circumstances outweigh the mitigating circumstances.

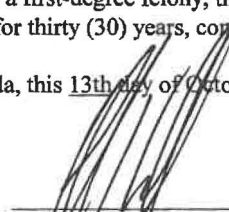
Accordingly, it is:

ORDERED AND ADJUDGED that:

1. As to Count 1, the defendant, **JESSE GUARDADO**, is hereby sentenced to **DEATH** for the first-degree premeditated murder of the victim, Jackie Malone. The defendant is hereby committed to the custody of the Department of Corrections of the State of Florida for execution of this sentence as provided by law.

2. As to Count 2, Robbery With a Weapon, a first-degree felony, the defendant **JESSE GUARDADO**, is hereby sentenced to state prison for thirty (30) years, consecutive to Count 1.

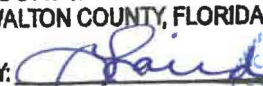
DONE AND ORDERED in County, Florida, this 13th day of October, 2005.



KEVIN C. WELLS
CIRCUIT JUDGE

Copies furnished in court to:
Assistant State Attorney
Counsel for Defendant
Defendant

CERTIFIED A TRUE COPY
3-17 2026
CRYSTAL SCONIERS
CLERK OF THE CIRCUIT
COURT & COMPTROLLER
WALTON COUNTY, FLORIDA

BY: 
DEPUTY CLERK



DEATH WARRANT

STATE OF FLORIDA

WHEREAS, JESSE GUARDADO, on or about the 13th day of September, 2004, murdered JACKIE MALONE; and

WHEREAS, JESSE GUARDADO, on the 13th day of October, 2005, was convicted of first degree murder and, on the 13th day of October, 2005, was sentenced to death for the murder of JACKIE MALONE; and

WHEREAS, on the 28th day of June, 2007, the Supreme Court of Florida affirmed the conviction and death sentence of JESSE GUARDADO; and

WHEREAS, on the 16th day of April 2015, as revised in its opinion on the 8th day of October, 2015, the Supreme Court of Florida affirmed the trial court order denying JESSE GUARDADO's initial Motion for Postconviction Relief, and, on the 11th day of May, 2017, denied his Petition for Writ of Habeas Corpus; and

WHEREAS, on the 19th day of January, 2022, the United States District Court for the Northern District of Florida denied JESSE GUARDADO's federal Petition for Writ of Habeas Corpus; and

WHEREAS, on the 12th day of August, 2024, the United States Court of Appeals for the Eleventh Circuit affirmed the denial of JESSE GUARDADO's federal Petition for Writ of Habeas Corpus; and

WHEREAS, further postconviction motions and petitions filed by JESSE GUARDADO have been denied and the denials affirmed on appeal; and

WHEREAS, executive clemency for JESSE GUARDADO, 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 JESSE GUARDADO, 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 5th day of October, 2026.




GOVERNOR

ATTEST:


SECRETARY OF STATE

2026 OCT -5 AM 11:40
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED