

# Judge Sentences Leon Davis Jr. to Death



MICHAEL WILSON | THE LEDGER

Polk County Sheriff's bailiff Beverly McCall, left, fingerprints Leon Davis Jr. after Circuit Judge J. Michael Hunter sentenced him to death for the murders of Yvonne Bustamante and Juanita "Jane" Luciano at the Polk County Courthouse Friday.

By [Jason Geary](#)  
THE LEDGER

Published: Friday, April 29, 2011 at 9:09 a.m.

Last Modified: Friday, April 29, 2011 at 11:42 a.m.



Alicia Littleton, right, and Julia Hernandez, listen as Circuit Judge J. Michael Hunter sentences Leon Davis Jr. to death for the murders of their niece, Yvonne Bustamante and Juanita "Jane" Luciano at the Polk County Courthouse Friday. Davis was convicted of first degree murder for fatally burning Yvonne Bustamante and Juanita "Jane" Luciano after an attempted robbery at a Lake Wales insurance office in December of 2007.

MICHAEL WILSON | THE LEDGER

BARTOW | Leon Davis Jr. showed no reaction Friday when he was sentenced to die for the killings of two women at a Lake Wales insurance agency.

Circuit Judge J. Michael Hunter ordered that Davis, 33, should receive society's ultimate punishment for fatally burning Yvonne Bustamante and her pregnant sister-in-law, Juanita "Jane" Luciano.

Davis robbed the Headley Nationwide Insurance office where Bustamante, 27, and Luciano, 23, were working on Dec. 13, 2007.

The judge wrote in a sentencing order that he "can only imagine the fear and terror" the women experienced in the moments leading to their murders.

The judge ruled Davis should receive life in prison for the death of Luciano's son, Michael Bustamante Jr., who was delivered prematurely the day of the attack and died a few days later.

After three years of legal wrangling and two failed attempts at a trial, Davis was found guilty in February. A few jurors attended the sentencing.

Hunter, who oversaw the entire case, needed about five minutes to announce his decision.

But the judge spent weeks crafting his 22-page sentencing order, which analyzes in painstaking detail the brutal killings as well as meticulously weighing reasons whether Davis should live or die.

At times, Hunter's voice appeared to choke up with emotion as he discussed just a few portions of his judgment.

He said handling death penalty cases is "the most difficult task" for judges and juries to perform.

He described the killings of the women as "cold, calculated and premeditated," as well as "especially heinous, atrocious or cruel."

These "aggravating circumstances" can provide the legal basis for imposing the death penalty.

Davis' case will be automatically appealed to the Florida Supreme Court.

He continues to face the death penalty in a separate incident that took place a week before the Lake Wales attack.

He is accused of fatally shooting two store clerks at a gas station near Lake Alfred.

A trial date has not yet been set and a hearing is expected Tuesday to discuss how things are progressing.

In total, Davis has been charged with five counts of first-degree murder in what is considered the worst killing rampage in Polk County history.

Outside the courtroom, Alicia Littleton, Bustamante's aunt, spoke about the pain of losing her niece and how her family waited patiently for years to get justice.

"I know some people think that it is bad because you wish somebody should die," Littleton said. "But to me, he deserves that and more."

She said she understands that more time will pass as Davis' case goes through appeals.

"We might not ever get to see him get what he deserves, but we know that he is going to pay for what he did," she said.

**'EXTREME AND OUTRAGEOUS DEPRAVITY'**

Hunter concluded what Davis did was perform brutal killings with careful planning.

About six days before the robbery, Davis bought a .357-caliber handgun from his cousin for \$220.

He went to a Walmart store in Lake Wales on the morning of the killings to purchase an orange cooler to conceal the pistol, gloves, a long-sleeve shirt and a lighter.

He also brought along a 5-gallon gas can and duct tape to carry out the crime.

Davis locked the door of the insurance office to prevent anyone from entering. Duct tape was found over the lens of the surveillance camera inside the insurance agency.

One of the women opened the safe, and then Davis bound and taped them to chairs.

Davis also blocked the nearest exit with a chair that he set on fire.

The judge wrote that Davis' torturous method of killing the women demonstrated "extreme and outrageous depravity."

He was armed with a handgun and could have shot the women in the head if his only intent was to kill them.

"After being doused with gasoline, the victims could clearly perceive their impending fate," Hunter wrote.

The women managed to free themselves and run from the building as chunks of flesh melted from their bodies.

The extensive burns over 80 percent of their bodies eventually destroyed the women's nerve endings, but, prior to that, their injuries were quite painful, the judge wrote.

Davis fired at the women after they managed to free themselves, and they ran from the burning building.

## LONG ROAD TO JUSTICE

Efforts to prepare the case for trial were made throughout 2008 and 2009.

Davis was appointed different lawyers in the early stages. For a short time, he insisted on representing himself until Robert and Andrea Norgard became his court-appointed lawyers.

In July 2010, the first attempt at a trial ended three days into jury selection as prosecutors challenged a controversial ruling by Hunter.

The judge ruled a defense expert could testify about problems with eyewitness identification.

Eyewitnesses played a significant role in the case against Davis, including a statement by Bustamante, who identified Davis as her attacker before she died.

Brandon Greisman, a bystander who attempted to aid Bustamante, also identified Davis as the person who was fleeing the insurance office and shot him.

One bullet struck Greisman, taking off the tip of his nose.

In October, jurors were selected and began to hear testimony.

However, a mistrial was later declared after a witness inappropriately testified about his opinion, which the defense argued inappropriately gave extra credibility to Bustamante's dying declaration.

Bustamante's parents, Ebelia Rodriguez and Richard Bustamante, were enraged when the mistrial took place. Ebelia Rodriguez threw her purse and Richard Bustamante climbed over benches trying to get close to Davis.

This year, a second jury was chosen and spent weeks hearing testimony and reviewing evidence.

Davis took the witness stand and denied any wrongdoing.

Littleton said Davis has shown no remorse nor taken any responsibility for his crimes.

"I knew from the beginning that he would never say that he was guilty," she said.

Jurors rejected Davis' claims of innocence.

After less than four hours of deliberations, jurors found him guilty Feb. 15 on three counts of first-degree murder, and a count each of attempted first-degree murder, armed robbery and arson.

The same jury recommended unanimously that Davis should be executed for the deaths of Bustamante and Luciano.

The jury also recommended by a vote of 8 to 4 that Davis should be executed for the death of Luciano's son.

Under Florida law, Hunter was required to give the jury's recommendation "great weight," but the decision rested within his hands.

#### ARGUING FOR LIFE

The judge considered a variety of reasons the defense argued Davis should receive life imprisonment.

He was described by family members as "a good father, a loving husband and devoted to his brother and two sisters."

Some witnesses described him as "friendly and outgoing." Hunter noted that Davis was "always cooperative, polite and respectful" to court staff.

During his childhood, Davis was bullied by an older boy who forced Davis to perform oral sex on him. His mother and father were often absent, and a caregiver was abusive to him.

He joined the U.S. Marine Corps and he served about 13 months before trying to commit suicide in an intentional automobile crash.

Military hospital records show Davis was diagnosed with a "personality disorder not otherwise specified." He did not seek treatment for this or periodic bouts with depression.

No mental health experts testified at Davis' trial.

At the time of the robbery, Davis was under a great deal of financial stress. His wife took a leave of absence from work because of a difficult pregnancy.

He had a \$195,000 mortgage on his home and a car payment. He lost his job at Florida Natural Growers for stealing juice, and was working for less money at a maintenance position for Eagle Lake.

The judge considered these reasons but still felt Davis should be executed.

At Friday's hearing, the judge also sentenced Davis to life imprisonment for the attempted murder and armed robbery convictions. He received 30 years in prison for arson.

## PROSECUTION OF DAVIS FAR FROM OVER

Prosecutors aren't stopping with two death sentences, three life sentences, and a 30-year prison term for arson stacked over Davis' head.

He is also accused of fatally shooting two clerks, Pravinkumar Patel and Dashrath Patel, at a BP gas station near Lake Alfred.

The men were shot on the evening of Dec. 7, 2007, as they adjusted a sign.

The Polk County Sheriff's Office has reported that a projectile from the Lake Wales attack was successfully matched to projectiles in the clerks' shooting.

The handgun was never recovered.

Lawyers are expected to discuss that case at a Tuesday hearing. Prosecutors are seeking the death penalty for the clerks' killings.

[ Jason Geary can be reached at [jason.geary@theledger.com](mailto:jason.geary@theledger.com) or 863-802-7536. ]

All rights reserved. This copyrighted material may not be re-published without permission. Links are encouraged.