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IDAHO SUPREME COURT  
COURT OF APPEALS

2012 MAY 17 AM 11:49

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT  
BINGHAM COUNTY, IDAHO

2012 MAY 17 AM 11:28

CASE#  
SARA STAUB CLERK

BY \_\_\_\_\_ DEPUTY

ORIGINAL

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

STATE OF IDAHO	)	CASE NO. CR-1985-4110
	)	
Plaintiff,	)	
	)	
vs.	)	DEATH WARRANT
	)	
RICHARD A. LEAVITT,	)	
	)	
Defendant.	)	
_____	)	

TO: Brent Reinke, Director of the Idaho Department of Correction, and Randy Blades, Warden, Idaho Maximum Security Institution:

WHEREAS, the above-named Defendant, on the 25<sup>th</sup> day of September, 1985, was found guilty by a jury of the crime of First-Degree Murder as charged in the prosecutor's Amended Information; and,

WHEREAS, on the 19<sup>th</sup> day of December, 1985, this Court made and entered its Pronouncement of Sentence, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death; and,

WHEREAS, on the 8<sup>th</sup> day of January, 1986, this Court made and entered its Judgment of Conviction, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death; and,

WHEREAS, on the 1<sup>st</sup> day of May, 1987, this Court entered an order denying Defendant's Petition for Post-Conviction Relief; and,

WHEREAS, on the 30<sup>th</sup> day of May 1989, the Idaho Supreme Court issued its opinion upholding the conviction and denial of post-conviction relief stemming from conviction, but reversing the death sentence and remanding for resentencing; and,

WHEREAS, after a resentencing hearing, on the 25<sup>th</sup> day of January, 1990, this Court signed its Memorandum Decision and Findings of the Court in Considering the Death Penalty, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death, which was filed on the 29<sup>th</sup> day of January, 1990; and,

WHEREAS, on the 15<sup>th</sup> day of March, 1990, this Court signed the Judgment of Conviction and Sentencing Order, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death, which was filed on the 6<sup>th</sup> day of April, 1990; and,

WHEREAS, on the 27<sup>th</sup> day of November, 1991, the Idaho Supreme Court issued its opinion upholding the death sentence; and,

WHEREAS, this Court has entered orders denying all of Defendant's successive and subsequent petitions for post-conviction and other state collateral relief; and,

WHEREAS, the Idaho Supreme Court has affirmed the denial of Defendant's successive and subsequent petitions for post-conviction and other state collateral relief; and,

WHEREAS, on the 14<sup>th</sup> day of December, 2000, the Honorable B. Lynn Winmill entered Judgment granting Defendant federal habeas relief and ordering the state to initiate new trial proceedings; and,

WHEREAS, on the 14<sup>th</sup> day of June, 2004, the United States Court of Appeals for the Ninth Circuit, reversed the granting of federal habeas relief requiring the initiation of new trial proceedings, but remanded for consideration of Defendant's ineffective assistance of counsel claims arising from his resentencing; and,

WHEREAS, on the 28<sup>th</sup> day of September 2007, the Honorable B. Lynn Winmill entered Judgment granting Defendant federal habeas relief and ordering the state to initiate new sentencing proceedings; and;

WHEREAS, on the 17<sup>th</sup> day of May, 2011, the United States Court of Appeals for the Ninth Circuit reversed the granting of federal habeas relief requiring the initiation of new sentencing proceedings; and,

WHEREAS, on the 14<sup>th</sup> day of May, 2012, the United States Supreme Court denied Defendant's petition for certiorari, and;

WHEREAS, on the 16<sup>th</sup> day of May, 2012, the United States Court of Appeals for the Ninth Circuit issued its Mandate, which automatically lifted any stay imposed by Judge B. Lynn Winmill; and,

WHEREAS, Idaho Code § 19-2715(2) mandates that upon a remittitur or mandate being issued after a sentence of death has been affirmed, the district court shall set a new execution date; and,

WHEREAS, the Court is not aware of the existence of any stay of execution or other legal impediment to execution of the judgment.

NOW THEREFORE, YOU ARE HEREBY COMMANDED, pursuant to Idaho Code § 19-2716 and the Judgment of this Court, to receive said Defendant into your custody, and on the 17 day of June, 2012, you shall cause the execution of said sentence of death to take place, unless said sentence is stayed by law, and that you shall make a return upon this Death Warrant, showing the time, mode and manner in which it was executed pursuant to Idaho Code § 19-2718.

DATED this 17 day of May, 2012.

  
DISTRICT JUDGE