

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO

2012 MAY 30 PM 4:59

SARA STAUB CLERK

BY _____ DEPUTY

Andrew Parnes, ISB # 4110
P.O. Box 5988
671 N. 1st Ave.
Ketchum, ID 83340
Tel: 208-726-1010
Fax: 208-726-1187

David Nevin, ISB #2280
Nevin, Benjamin, McKay & Bartlett LLP
303 West Bannock
P.O. Box 2772
Boise, ID 83701
Tel: 208-343-1000
Fax: 208-345-8274

Attorneys for Richard A. Leavitt

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

THE STATE OF IDAHO,

Plaintiff,

vs.

RICHARD A. LEAVITT,

Defendant.

Case No. CR-1985-4110

NOTICE OF APPEAL

TO: PROSECUTING ATTORNEY, BINGHAM COUNTY, THE ATTORNEY GENERAL OF THE STATE OF IDAHO, AND THE CLERK OF THE DISTRICT COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named defendant appeals against the plaintiff to the Idaho Supreme Court from the Order Denying Motion to Quash Death Warrant entered by the Honorable Jon Shindurling, District Judge of the Seventh Judicial District in and for the State of Idaho, on May 30, 2012.

2. The party has the right to appeal to the Idaho Supreme Court, and the judgment above-described is an appealable order under and pursuant to Idaho Appellate Rules, Rules 11(c)(1), (6), and (8).

3. A preliminary list of issues on appeal includes 1) the district court did not have jurisdiction under I.C. § 19-2715 to issue the death warrant; 2) the district court failed to comply with I.C. § 19-2715(4); 3) the district court erred in not permitting Mr. Leavitt and/or counsel for Mr. Leavitt to appear; 4) the district court erred in not making a verbatim transcript of the proceedings; and 5) these errors individually and cumulatively violated Mr. Leavitt's rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Art. 1, § 13 of the Idaho Constitution.

4. The Reporter's Transcript of proceedings are requested. The hearing on the motion to quash the warrant on May 30, 2012.

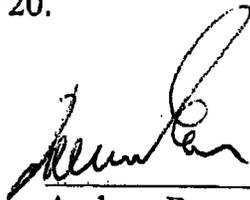
5. The standard designation of the Clerk's record pursuant to Rule 28 is

requested.

6. I certify:

- a. That I have served a copy of this Notice on the court reporter, Nancy Marlow.
- b. That Mr. Leavitt is exempt from paying the estimated cost of any transcript as he is indigent and has been in custody on death row since 1985.
- c. That Mr. Leavitt is exempt from paying the estimated cost of the clerk's record as he is indigent and has been in custody on death row since 1985.
- d. That there is no filing fee for appeals in criminal cases.
- e. That service has been made upon all parties, including the Prosecuting Attorney and the Attorney General, required to be served pursuant to Rule 20.

DATED: May 30, 2012.



Andrew Parnes
David Z. Nevin
Attorney for Defendant Richard A. Leavitt

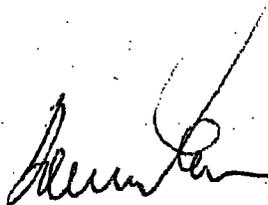
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of May, 2012, I served the foregoing document on all interested parties as follows by facsimile and mail:

J. Scott Andrew
Bingham County Prosecuting Attorney
501 North Maple, #302
Blackfoot, ID 83221
fax: 208-785-5199

Lawrence Wasden
Attorney General
State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0010
fax: 208-854-8074

Nancy Marlow
Court Reporter
605 North Capital
Idaho Falls, ID 83402
fax: 208-529-133



David Z. Nevin