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# In the Supreme Court of the State of Idaho

STATE OF IDAHO, )  
 )  
Plaintiff-Respondent, ) ORDER  
 )  
v. ) Supreme Court Docket No. 39941-2012  
 ) Bingham County District Court No.  
RICHARD A. LEAVITT, ) 1985-4110  
 )  
Defendant-Appellant. )

1. On May 21, 2012, a NOTICE OF APPEAL was filed in the Bingham County District Court by counsel for Appellant. On this same date, this NOTICE OF APPEAL was sent to the Idaho Supreme Court for filing. Subsequently, an ORDER RE: BRIEFING SCHEDULE was issued by this Court on May 21, 2012, wherein a briefing schedule was set forth and oral argument in this proceeding was set for Monday, June 4, 2012, at 3:00 p.m. in Boise, Idaho.
2. A VERIFIED PETITION FOR A PEREMPTORY WRIT OF MANDAMUS DIRECTING COURT TO VACATE THE ISSUANCE OF THE DEATH WARRANT AND CONDUCT NEW HEARING was filed by counsel for Petitioner-Appellant, David Z. Nevin, on May 29, 2012.
3. On May 30, 2012, a NOTICE OF APPEAL was filed in the Bingham County District Court by the attorney(s) of record for Appellant from the ORDER DENYING MOTION TO QUASH DEATH WARRANT entered by District Judge Jon J. Shindurling.
4. A NOTICE OF INTENT TO RELY ON PREVIOUSLY SUBMITTED BRIEFS was filed by the attorney(s) of record for Petitioner-Appellant on May 31, 2012.
5. A RESPONSE TO PETITIONER'S VERIFIED PETITION FOR A PEREMPTORY WRIT OF MANDAMUS with attachments was filed by counsel for Respondents on May 31, 2012.

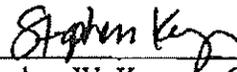
This Court being fully advised; therefore, good cause appearing,

IT HEREBY IS ORDERED that the May 29, 2012 VERIFIED PETITION FOR A PEREMPTORY WRIT OF MANDAMUS DIRECTING COURT TO VACATE THE ISSUANCE OF THE DEATH WARRANT AND CONDUCT NEW HEARING be, and hereby is, DENIED.

IT FURTHER IS ORDERED that oral argument shall be heard on all remaining issues set for Monday, June 4, 2012, at 3:00 p.m. at the Idaho Supreme Court Building in Boise, Idaho.

DATED this 31<sup>st</sup> day of May, 2012.

By Order of the Supreme Court



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Stephen W. Kenyon, Clerk

cc: Counsel of Record  
Court Reporter Nancy Marlow  
District Judge Jon J. Shindurling

**Anderson, LaMont**

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**From:** supremecourtdocuments@idcourts.net  
**Sent:** Friday, June 01, 2012 8:27 AM  
**To:** Attorney for Appellant; Lower Court Judge; Appellate - ECF Court Filings; Anderson, LaMont; Attorney for Appellant  
**Subject:** #39941 STATE V. LEAVITT  
**Attachments:** 06012012082437.pdf

ENTERED ORDER DENYING VERIFIED PETITION FOR A PEREMPTORY WRIT OF MANDAMUS,  
ETC. SEE ATTACHED ORDER.