

SUMMARY STATEMENT

Pizzuto v. IDOC
Docket No. 48857

This appeal concerned whether an execution protocol adopted by the Idaho Department of Correction (IDOC) was required to comply with administrative rulemaking procedures. Gerald Ross Pizzuto, Jr. is an inmate in the custody of IDOC sentenced to death. In March 2021, Josh Tewalt, Director of IDOC, published a document detailing the “standard operating procedure” for executions carried out by IDOC. Pizzuto filed a complaint in district court seeking a declaratory judgment that the protocol was invalid because it had not been adopted in accordance with the Idaho Administrative Procedure Act (APA). The district court dismissed Pizzuto’s complaint. The Idaho Supreme Court affirmed. The Court held that under Idaho Code section 19-2716, the determination of execution procedures is not an exercise of quasi-legislative rulemaking authority to which the APA applies.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******