

SUMMARY STATEMENT

Thomas Creech v. State of Idaho

Docket No. 52327

Thomas Eugene Creech appeals from the district court's September 5, 2024, order dismissing his petition for post-conviction relief and the district court's October 16, 2024, order denying his motion for reconsideration. Creech was sentenced to death in 1995. Earlier this year, the State of Idaho attempted to execute Creech by lethal injection, but the process failed due to the inability to establish reliable intravenous access. The execution team spent nearly an hour attempting to establish venous access in various parts of Creech's body, including his arms, hands, and ankles, but each attempt resulted in vein collapse. After numerous failed attempts, the procedure was halted.

Following the failed execution, Creech filed a petition for post-conviction relief on March 18, 2024, arguing that any further attempt to carry out his death sentence would violate his constitutional rights. Specifically, Creech argued that a second attempt to execute him by any means would violate the United States Constitution's Fifth Amendment's Double Jeopardy Clause and the Eighth Amendment's prohibition against cruel and unusual punishment. The district court granted the State's motion for summary dismissal and denied Creech's motion for reconsideration.

The Idaho Supreme Court affirmed the district court's summary dismissal of Creech's petition for post-conviction relief because he did not raise a genuine issue of material fact, and summary dismissal of his Fifth and Eighth Amendment claims was proper as a matter of law. The Court held that a second execution attempt in this case does not amount to cruel and unusual punishment, nor does it amount to imposing multiple punishments for the same offense.

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