

## SUMMARY STATEMENT

*Hairston v. State*, Docket No. 46665

The Idaho Supreme Court affirmed a district court's dismissal of James Hairston's fourth petition for post-conviction relief. Hairston was sentenced to death after a jury convicted him of two counts of first degree murder in connection with the deaths of William and Dalma Fuhriman. Hairston was about nineteen and a half when he killed the Fuhrimans. Hairston argued his death sentence was unconstitutional because: (1) he was under the age of twenty-one at the time of the offense; and (2) the trial court failed to give adequate consideration to the mitigating factors that must be considered with youthful defendants. In holding that Hairston's sentence was constitutional, the Idaho Supreme Court followed the Supreme Court of the United States' holding in *Roper v. Simmons*, 543 U.S. 551 (2005), which concluded eighteen is where the line for death penalty eligibility ought to rest. The Court also held Hairston had no right to consideration of the special sentencing factors applicable to juvenile offenders under the age of eighteen because he was nineteen at the time of his offense.

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