

**BOISE, MONDAY, FEBRUARY 5, 2024 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**Docket No. 51229**

<b>THOMAS EUGENE CREECH,</b>	)	
	)	
<b>Petitioner-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>(Capital Case)</b>
	)	
<b>STATE OF IDAHO,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Jason D. Scott, District Judge.

Nicole Owens, Federal Defender Services of Idaho, attorney for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, attorney for Respondent.

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This appeal arises from a district court’s order dismissing Thomas Creech’s (“Creech”) successive post-conviction petition for relief as untimely. Creech was sentenced to death in 1995 by a judge without the participation of a jury. Creech argues that because the United States has effectively abandoned the practice of executing prisoners who were sentenced to death by judges sitting alone, evolving standards of decency under the Eighth Amendment’s prohibition against cruel and unusual punishment precludes the State from executing him based on his judge-imposed death sentence. Creech asks that his case be remanded to the district court for adjudication on the merits.