

**BOISE, FRIDAY, MAY 15, 2020 AT 9:00 A.M.**

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

**JAMES HARVEY HAIRSTON,**

**Petitioner-Appellant,**

**V.**

**STATE OF IDAHO,**

**Respondent.**

Docket No. 46665

Appeal from the District Court of the Sixth Judicial District of  
the State of Idaho, Bannock County. Robert C. Naftz, District Judge.

Federal Public Defender Services of Idaho, Boise, for Appellant.

Lawrence G Wasden, Idaho Attorney General, Boise, for Respondent.

This is a successive post-conviction, capital case. James 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 the Fuhrimans were murdered. On appeal Hairston argues his sentence is 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 proper consideration to the mitigating factors associated with his youth.