

# **EXHIBIT 1**

# **EXHIBIT 1**

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Appellant or Petitioner, Paul Ezra Rhoades

v.

Case No.

Appellee or Respondent, Brett Reinke, et al.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. 28 U.S.C. sec. 1746; 18 U.S.C. sec. 1621.

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed:

Paul Rhoades

Date:

11-15-11

My issues on appeal are:

Whether a Stay of Execution and Preliminary Injunctive Relief should be issued and whether Idaho's Lethal Injection Protocol violates the Eighth and Fourteenth Amendments by not implementing the Baze safeguards, including installing and administering IV lines and performing consciousness checks by qualified, credentialed and experienced personnel and by using a three-drug protocol instead of the known alternative of one barbiturate-drug protocol.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ 0	\$ 0	\$ 0
Self-Employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and Dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 150	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment Payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-Assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify) 0	\$ 0	\$ 0	\$ 0	\$ 0
<b>TOTAL MONTHLY INCOME:</b>	\$ 150	\$ 0	\$ 0	\$ 0

2. List your employment history, most recent employer first.  
*(Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>

3. List your spouse's employment history, most recent employer first.  
*(Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
		From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>

4. How much cash do you and your spouse have? \$

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount You Have	Amount Your Spouse Has
N/A		\$ <input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishing.

Home	Value	Other Real Estate	Value
N/A	\$ <input type="text"/>	<input type="text"/>	\$ <input type="text"/>

Motor Vehicle 1: Make & Year	Model	Registration #	Value
N/A	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>
Motor Vehicle 2: Make & Year	Model	Registration #	Value
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>

Other Assets	Value
N/A	\$
	\$
	\$

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse	Amount owed to you	Amount owed to your spouse
N/A	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support. If a dependent is a minor, list only the initials and not the full name.

Name	Relationship	Age
N/A		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home) - Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No - Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ 0	\$ 0
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 80	\$ 0
Clothing	\$ 10	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments) - Homeowner's or renter's..... - Life..... - Health..... - Motor Vehicle..... - Other: 0	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 \$ 0
Taxes (not deducted from wages or included in mortgage payments) Specify: 0	\$ 0	\$ 0
Installment payments - Motor Vehicle..... - Credit Card (name): 0 - Department Store (name): 0 - Motor Vehicle.....	\$ 0 \$ 0 \$ 0 \$ 0	\$ 0 \$ 0 \$ 0 \$ 0

Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for the operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify) telephone	\$ 60	\$ 0
<b>Total Monthly Expenses:</b>	\$ 150	\$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No

If yes, describe on an attached sheet.

10. Have you paid--or will you be paying--an attorney any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \$

If yes, state the attorney's name, address, and telephone number.

Name

Address

City  State  Zip Code

Telephone Number (ex., 4153558000)

11. Have you paid--or will you be paying--anyone other than attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \$

If yes, state the attorney's name, address, and telephone number.

Name

Address

City  State  Zip Code

Telephone Number (ex., 4153558000)

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am a prisoner who has been on Idaho's death row for the past 23 years and have had no opportunities during that time to earn any wages.

13. State the city and state of your legal residence.

City  State

Your daytime telephone number (ex., 4153558000)

Your age:  Your years of schooling:

Last four digits of your Social Security Number (ex., 6789)

= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 11/15/2011 =

Doc No: 26864 Name: RHOADES, PAUL EZRA  
 Account: CHK Status: ACTIVE

IMSI/J-BLK PRES FACIL  
 TIER-2 CELL-40

Transaction Dates: 11/01/2010-11/15/2011

Beginning Balance		Total Charges	Total Payments	Current Balance	
181.78		3194.81	3083.96	70.93	
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
11/02/2010	HQ0520400-018	011-RCPT MO/CC	RTCP MO	80.00	261.78
11/03/2010	IM0520576-019	099-COMM SPL		52.57DB	209.21
11/10/2010	IM0521713-025	099-COMM SPL		59.01DB	150.20
11/10/2010	IM0521713-026	099-COMM SPL		24.10DB	126.10
11/16/2010	HQ0522258-005	011-RCPT MO/CC	RTCP MO	80.00	206.10
11/17/2010	IM0522410-023	099-COMM SPL		17.00DB	189.10
11/17/2010	IM0522410-024	099-COMM SPL		47.56DB	141.54
11/17/2010	II0522469-011	072-METER MAIL	100473	4.60DB	136.94
11/17/2010	II0522469-022	072-METER MAIL	106781	1.05DB	135.89
11/19/2010	HQ0522841-001	061-CK INMATE	103445	10.00DB	125.89
11/22/2010	IM0522965-020	099-COMM SPL		70.01DB	55.88
12/01/2010	IM0523787-019	099-COMM SPL		41.48DB	14.40
12/06/2010	HQ0524377-001	011-RCPT MO/CC	RTCP MO	60.00	74.40
12/07/2010	HQ0525028-004	011-RCPT MO/CC	RTCP MO	40.00	114.40
12/08/2010	IM0525209-028	099-COMM SPL		46.65DB	67.75
12/10/2010	II0525505-024	072-METER MAIL	106782	0.98DB	66.77
12/13/2010	II0525611-015	072-METER MAIL	103947	1.56DB	65.21
12/15/2010	IM0526051-027	099-COMM SPL		38.41DB	26.80
12/15/2010	IM0526051-028	099-COMM SPL		3.65DB	23.15
12/17/2010	II0526585-040	072-METER MAIL	106847	0.88DB	22.27
12/20/2010	HQ0526622-013	011-RCPT MO/CC	RTCP MO	100.00	122.27
12/20/2010	IM0526709-015	099-COMM SPL		19.61DB	102.66
12/22/2010	HQ0527015-018	011-RCPT MO/CC	MAIL	40.00	142.66
12/22/2010	II0527208-023	072-METER MAIL	106845	0.61DB	142.05
12/22/2010	II0527208-049	072-METER MAIL	106846	1.05DB	141.00
12/27/2010	HQ0527564-010	061-CK INMATE	103948	10.00DB	131.00
12/29/2010	IM0527784-029	099-COMM SPL		13.06DB	117.94
12/29/2010	IM0527784-030	099-COMM SPL		46.08DB	71.86
01/03/2011	HQ0528240-007	061-CK INMATE	107197	19.00DB	52.86
01/05/2011	HQ0528563-020	011-RCPT MO/CC	RTCP MO	15.00	67.86
01/05/2011	IM0528596-018	099-COMM SPL		42.07DB	25.79
01/05/2011	HQ0528603-002	011-RCPT MO/CC	RTCP MO	80.00	105.79
01/11/2011	HQ0529343-008	011-RCPT MO/CC	RTCP MO	130.00	235.79
01/12/2011	IM0529582-033	099-COMM SPL		38.98DB	196.81
01/12/2011	IM0529582-034	099-COMM SPL		47.00DB	149.81
01/19/2011	IM0530148-017	099-COMM SPL		20.90DB	128.91
01/19/2011	IM0530148-018	099-COMM SPL		45.25DB	83.66
01/20/2011	HQ0530367-002	011-RCPT MO/CC	RTCP MO	25.00	108.66
01/26/2011	IM0531077-026	099-COMM SPL		52.72DB	55.94

= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 11/15/2011 =

Doc No: 26864 Name: RHOADES, PAUL EZRA  
 Account: CHK Status: ACTIVE

IMSI/J-BLK PRES FACIL  
 TIER-2 CELL-40

Transaction Dates: 11/01/2010-11/15/2011

Beginning Balance	Total Charges	Total Payments	Current Balance		
181.78	3194.81	3083.96	70.93		
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
01/26/2011	IM0531077-027	099-COMM SPL		20.20DB	35.74
02/01/2011	HQ0531709-025	011-RCPT MO/CC	RTCP MO	15.00	50.74
02/02/2011	IM0531836-021	099-COMM SPL		34.70DB	16.04
02/07/2011	HQ0532458-014	011-RCPT MO/CC	RTCP MO	100.00	116.04
02/09/2011	IM0532873-031	099-COMM SPL		15.74DB	100.30
02/10/2011	HQ0533005-011	011-RCPT MO/CC	RTCP MO	80.00	180.30
02/14/2011	II0533257-020	072-METER MAIL	107982	0.61DB	179.69
02/14/2011	HQ0533334-006	970-488973 VOIDED	1	-10.00DB	189.69
02/16/2011	IM0533595-025	099-COMM SPL		25.99DB	163.70
02/16/2011	IM0533595-026	099-COMM SPL		68.57DB	95.13
02/23/2011	IM0534317-021	099-COMM SPL		39.90DB	55.23
03/02/2011	IM0535029-025	099-COMM SPL		42.12DB	13.11
03/03/2011	HQ0535194-008	011-RCPT MO/CC	RTCP MO	80.00	93.11
03/07/2011	HQ0535600-017	011-RCPT MO/CC	RCPT MO	100.00	193.11
03/08/2011	II0535888-012	072-METER MAIL	104709	1.05DB	192.06
03/09/2011	IM0536062-031	099-COMM SPL		10.20DB	181.86
03/09/2011	IM0536062-032	099-COMM SPL		31.28DB	150.58
03/11/2011	HQ0536403-008	011-RCPT MO/CC	RTCP MO	80.00	230.58
03/14/2011	II0536453-004	072-METER MAIL	152557	1.05DB	229.53
03/16/2011	IM0536840-024	099-COMM SPL		40.19DB	189.34
03/16/2011	IM0536840-025	099-COMM SPL		10.78DB	178.56
03/21/2011	HQ0537211-009	011-RCPT MO/CC	RTCP MO	30.00	208.56
03/22/2011	HQ0537364-013	011-RCPT MO/CC	RTCP MO	10.00	218.56
03/22/2011	HQ0537427-005	061-CK INMATE	152556	19.00DB	199.56
03/23/2011	IM0537549-029	099-COMM SPL		59.89DB	139.67
03/23/2011	IM0537549-030	099-COMM SPL		35.20DB	104.47
03/30/2011	IM0538173-026	099-COMM SPL		44.52DB	59.95
04/04/2011	HQ0538905-010	011-RCPT MO/CC	RTCP MO	80.00	139.95
04/06/2011	IM0539350-028	099-COMM SPL		48.21DB	91.74
04/07/2011	II0539636-010	072-METER MAIL	107198	1.05DB	90.69
04/08/2011	HQ0539778-017	011-RCPT MO/CC	RTCP MO	25.00	115.69
04/11/2011	HQ0539960-010	061-CK INMATE	106920	10.00DB	105.69
04/12/2011	HQ0540059-005	011-RCPT MO/CC	RECP MO	130.00	235.69
04/14/2011	IM0540506-022	099-COMM SPL		35.40DB	200.29
04/14/2011	IM0540506-023	099-COMM SPL		57.57DB	142.72
04/20/2011	IM0541099-018	099-COMM SPL		39.96DB	102.76
04/20/2011	IM0541099-019	099-COMM SPL		23.60DB	79.16
04/27/2011	IM0541672-019	099-COMM SPL		38.21DB	40.95
04/27/2011	II0541723-008	072-METER MAIL	107199	1.48DB	39.47

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Doc No: 26864 Name: RHOADES, PAUL EZRA  
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Transaction Dates: 11/01/2010-11/15/2011

Beginning Balance		Total Charges	Total Payments	Current Balance	
181.78		3194.81	3083.96	70.93	
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
05/03/2011	II0542354-003	072-METER MAIL	106934	0.64DB	38.83
05/03/2011	HQ0542382-021	011-RCPT MO/CC	RTCP MO	80.00	118.83
05/04/2011	IM0542586-025	099-COMM SPL		36.24DB	82.59
05/10/2011	HQ0543494-021	011-RCPT MO/CC	RTCP MO	125.00	207.59
05/11/2011	IM0543733-023	099-COMM SPL		47.51DB	160.08
05/11/2011	IM0543733-024	099-COMM SPL		30.20DB	129.88
05/18/2011	IM0544467-023	099-COMM SPL		44.75DB	85.13
05/26/2011	IM0545323-020	099-COMM SPL		10.20DB	74.93
05/26/2011	IM0545323-021	099-COMM SPL		57.76DB	17.17
06/01/2011	IM0545857-022	099-COMM SPL		16.33DB	0.84
06/02/2011	HQ0546027-008	011-RCPT MO/CC	RTCP MO	120.00	120.84
06/08/2011	IM0546913-025	099-COMM SPL		59.31DB	61.53
06/08/2011	IM0546913-026	099-COMM SPL		13.60DB	47.93
06/08/2011	IM0547008-020	071-MED CO-PAY	322233	3.00DB	44.93
06/15/2011	IM0547699-018	099-COMM SPL		37.74DB	7.19
06/20/2011	HQ0548116-004	011-RCPT MO/CC	RTCP MO	100.00	107.19
06/21/2011	II0548207-002	072-METER MAIL	107983	1.08DB	106.11
06/22/2011	IM0548446-022	099-COMM SPL		48.64DB	57.47
06/22/2011	IM0548446-023	099-COMM SPL		18.62DB	38.85
06/27/2011	HQ0548889-007	061-CK INMATE	106935	10.00DB	28.85
06/29/2011	IM0549071-022	099-COMM SPL		3.40DB	25.45
06/29/2011	IM0549071-023	099-COMM SPL		20.45DB	5.00
07/06/2011	IM0549893-031	099-COMM SPL		3.40DB	1.60
07/08/2011	HQ0550263-015	011-RCPT MO/CC	RTCP MO	120.00	121.60
07/12/2011	HQ0550798-020	011-RCPT MO/CC	RTCP MO	100.00	221.60
07/13/2011	IM0550925-030	099-COMM SPL		34.97DB	186.63
07/13/2011	IM0550925-031	099-COMM SPL		70.06DB	116.57
07/18/2011	HQ0551299-002	011-RCPT MO/CC	RCPT MO	100.00	216.57
07/20/2011	IM0551620-023	099-COMM SPL		66.03DB	150.54
07/20/2011	IM0551620-024	099-COMM SPL		23.71DB	126.83
07/27/2011	IM0552265-021	099-COMM SPL		69.38DB	57.45
07/27/2011	IM0552265-022	099-COMM SPL		12.52DB	44.93
07/28/2011	HQ0552436-006	011-RCPT MO/CC	RCPT MO	50.00	94.93
08/03/2011	IM0553084-015	099-COMM SPL		69.69DB	25.24
08/03/2011	IM0553084-016	099-COMM SPL		11.57DB	13.67
08/08/2011	HQ0553721-019	011-RCPT MO/CC	RCPT MO	80.00	93.67
08/10/2011	IM0554120-031	099-COMM SPL		13.31DB	80.36
08/17/2011	HQ0554825-002	011-RCPT MO/CC	RCPT MO	40.00	120.36
08/17/2011	IM0554831-025	099-COMM SPL		10.20DB	110.16

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Doc No: 26864 Name: RHOADES, PAUL EZRA  
 Account: CHK Status: ACTIVE

IMSI/J-BLK PRES FACIL  
 TIER-2 CELL-40

Transaction Dates: 11/01/2010-11/15/2011

Beginning Balance		Total Charges	Total Payments	Current Balance	
181.78		3194.81	3083.96	70.93	
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
08/17/2011	IM0554831-026	099-COMM SPL		63.26DB	46.90
08/24/2011	IM0555620-024	099-COMM SPL		33.12DB	13.78
08/24/2011	IM0555620-025	099-COMM SPL		10.57DB	3.21
08/29/2011	IM0555962-001	100-CR INM CMM		1.80	5.01
08/31/2011	IM0556330-019	099-COMM SPL		4.77DB	0.24
09/07/2011	HQ0557165-015	011-RCPT MO/CC	MAIL	80.00	80.24
09/12/2011	HQ0557725-003	011-RCPT MO/CC	MAIL	100.00	180.24
09/14/2011	IM0558002-029	099-COMM SPL		18.80DB	161.44
09/14/2011	IM0558002-030	099-COMM SPL		69.60DB	91.84
09/21/2011	IM0558786-025	099-COMM SPL		45.00DB	46.84
09/21/2011	IM0558786-026	099-COMM SPL		36.09DB	10.75
09/28/2011	IM0559377-016	099-COMM SPL		10.70DB	0.05
10/04/2011	HQ0560003-010	011-RCPT MO/CC	MAIL	80.00	80.05
10/05/2011	IM0560286-033	099-COMM SPL		26.82DB	53.23
10/05/2011	IM0560286-034	099-COMM SPL		46.97DB	6.26
10/13/2011	IM0561281-001	100-CR INM CMM		17.16	23.42
10/19/2011	HQ0561749-016	011-RCPT MO/CC	MAIL	80.00	103.42
10/19/2011	IM0561751-031	099-COMM SPL		3.40DB	100.02
10/19/2011	IM0561751-032	099-COMM SPL		18.62DB	81.40
10/25/2011	HQ0562379-002	011-RCPT MO/CC	MAIL	100.00	181.40
10/26/2011	IM0562583-027	099-COMM SPL		44.92DB	136.48
10/26/2011	IM0562583-028	099-COMM SPL		57.60DB	78.88
10/28/2011	HQ0562852-010	011-RCPT MO/CC	MAIL	100.00	178.88
10/31/2011	II0563009-006	072-METER MAIL	107017	1.08DB	177.80
11/02/2011	IM0563323-018	099-COMM SPL		47.20DB	130.60
11/02/2011	IM0563323-019	099-COMM SPL		44.16DB	86.44
11/07/2011	HQ0564096-016	011-RCPT MO/CC	MAIL	80.00	166.44
11/07/2011	HQ0564129-003	061-CK INMATE	106060	19.00DB	147.44
11/08/2011	HQ0564291-016	011-RCPT MO/CC	MAIL	50.00	197.44
11/08/2011	HQ0564350-001	011-RCPT MO/CC	MAIL	100.00	297.44
11/09/2011	IM0564542-031	099-COMM SPL		154.00DB	143.44
11/09/2011	IM0564542-032	099-COMM SPL		72.51DB	70.93