

**LAWRENCE G. WASDEN**  
ATTORNEY GENERAL OF IDAHO

**MARK A. KUBINSKI, ISB #5275**  
Lead Deputy Attorney General  
Idaho Department of Correction

**KRISTA L. HOWARD #5987**  
Deputy Attorney General  
Idaho Department of Correction  
1299 North Orchard St., Suite 110  
Boise, Idaho 83706  
Telephone (208) 658-2097  
Facsimile (208) 327-7485  
E-mail: khoward@idoc.idaho.gov

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF IDAHO**

**THOMAS CREECH et. al.,** )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 **BRENT REINKE, et. al.,** )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

**CASE NO. 12-00173-S-EJL**

**IDOC NOTICE OF INTENT TO USE  
ONE-DRUG PROTOCOL IN THE  
EXECUTION OF RICHARD LEAVITT**

COME NOW Defendants Brent Reinke, Kevin Kempf, Jeff Zmuda, Josh Tewalt and Randy Blades and file this IDOC Notice of Intent to Use One-Drug Protocol in the Execution of Richard Leavitt scheduled for June 12, 2012.

Plaintiff Richard Leavitt is scheduled to be executed by lethal injection on June 12, 2012. The IDOC Standard Operating Procedure 135.02.01.001 ("SOP 135") Execution Procedures

contemplates either a three-drug or one-drug lethal injection protocol based on drug availability. (Dkt. No.10-3, pp.2, 37). The IDOC will be proceeding with implementing the one-drug pentobarbital protocol (method 4) outlined in SOP 135 for the execution of Richard Leavitt on June 12, 2012. (*Id.* at p.41).

Additionally, the IDOC provides notice that it will not invoke its authority to deviate from the one-drug pentobarbital protocol outlined in SOP 135 for the execution of Richard Leavitt on June 12, 2012.

DATED this 25<sup>th</sup> day of May, 2012.

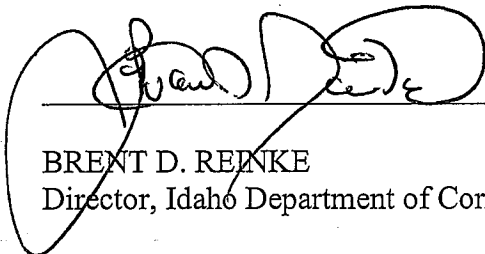
STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

/s/ Krista L. Howard  
KRISTA L. HOWARD  
Deputy Attorney General

**APPROVAL OF ONE-DRUG PENTOBARBITAL EXECUTION METHOD**

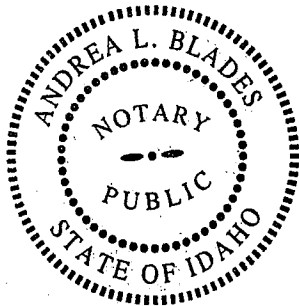
I, Brent D. Reinke, Director of the Idaho Department of Correction, pursuant to SOP 135 and my role as the Director have determined that IDOC will implement a one-drug pentobarbital execution pursuant to SOP 135 for the scheduled execution of Richard Leavitt on June 12, 2012.


Dated: May 25 2012

  
\_\_\_\_\_  
BRENT D. REINKE  
Director, Idaho Department of Correction

State of Idaho    )  
                          ) ss.  
County of Ada    )

On this 25 day of MAY, in the year of 2012, before me personally appeared Brent D. Reinke, known or identified to me to be the person whose name is subscribed to the within instrument as Director of the Idaho Department of Correction, and acknowledged to me that he executed the same as Director of the Idaho Department of Correction.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
COMMISSION EXPIRES: 03/04/2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 25<sup>th</sup> day of May, 2012, I caused to be served a true and correct copy of the foregoing IDOC NOTICE OF INTENT TO USE ONE DRUG PROTOCOL IN THE EXECUTION OF RICHARD LEAVITT with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Oliver W. Loewy, [oliver\\_loewy@fd.org](mailto:oliver_loewy@fd.org)

Teresa Hampton, [Teresa\\_Hampton@fd.org](mailto:Teresa_Hampton@fd.org)