

Andrew Parnes, ISB # 4110  
P.O. Box 5988  
671 N. 1<sup>st</sup> Ave.  
Ketchum, ID 83340  
Tel: 208-726-1010  
Fax: 208-726-1187

David Nevin, ISB #2280  
Nevin, Benjamin, McKay & Bartlett LLP  
303 West Bannock  
P.O. Box 2772  
Boise, ID 83701  
Tel: 208-343-1000  
Fax: 208-345-8274

Attorneys for Richard A. Leavitt

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR-1985-4110
	)	
vs.	)	
	)	NOTICE OF APPEAL
RICHARD A. LEAVITT,	)	
	)	
Defendant.	)	
	)	
_____	)	

TO: PROSECUTING ATTORNEY, BINGHAM COUNTY, THE ATTORNEY  
GENERAL OF THE STATE OF IDAHO, AND THE CLERK OF THE  
DISTRICT COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named defendant appeals against the plaintiff to the Idaho Supreme Court from the Order Denying Motion to Quash Death Warrant entered by the Honorable Jon Shindurling, District Judge of the Seventh Judicial District in and for the State of Idaho, on May 30, 2012.

2. The party has the right to appeal to the Idaho Supreme Court, and the judgment above-described is an appealable order under and pursuant to Idaho Appellate Rules, Rules 11(c)(1), (6), and (8).

3. A preliminary list of issues on appeal includes 1) the district court did not have jurisdiction under I.C. § 19-2715 to issue the death warrant; 2) the district court failed to comply with I.C. § 19-2715(4); 3) the district court erred in not permitting Mr. Leavitt and/or counsel for Mr. Leavitt to appear; 4) the district court erred in not making a verbatim transcript of the proceedings; and 5) these errors individually and cumulatively violated Mr. Leavitt's rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Art. 1, § 13 of the Idaho Constitution.

4. The Reporter's Transcript of proceedings are requested. The hearing on the motion to quash the warrant on May 30, 2012.

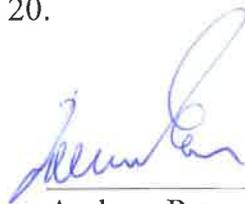
5. The standard designation of the Clerk's record pursuant to Rule 28 is

requested.

6. I certify:

- a. That I have served a copy of this Notice on the court reporter, Nancy Marlow.
- b. That Mr. Leavitt is exempt from paying the estimated cost of any transcript as he is indigent and has been in custody on death row since 1985.
- c. That Mr. Leavitt is exempt from paying the estimated cost of the clerk's record as he is indigent and has been in custody on death row since 1985.
- d. That there is no filing fee for appeals in criminal cases.
- e. That service has been made upon all parties, including the Prosecuting Attorney and the Attorney General, required to be served pursuant to Rule 20.

DATED: May 30, 2012.



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Andrew Parnes  
David Z. Nevin  
Attorney for Defendant Richard A. Leavitt

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30<sup>th</sup> day of May, 2012, I served the foregoing document on all interested parties as follows by facsimile and mail:

J. Scott Andrew  
Bingham County Prosecuting Attorney  
501 North Maple, #302  
Blackfoot, ID 83221  
fax: 208-785-5199

Lawrence Wasden  
Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, Idaho 83720-0010  
fax: 208-854-8074

Nancy Marlow  
Court Reporter  
605 North Capital  
Idaho Falls, ID 83402  
fax: 208-529-1300



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David Z. Nevin