

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO

2012 MAY 31 AM 8:28

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

SARA STAUB CLERK

BY _____ DEPUTY

STATE OF IDAHO,)	
)	
Plaintiff,)	Case No. CR-1985-4110
)	
-vs-)	MINUTE ENTRY
)	
RICHARD LEAVITT,)	
)	
Defendant.)	
_____)	

This matter came on for hearing on the defendant's Motion to Quash the Death Warrant on May 30, 2012, before the Honorable Jon J. Shindurling, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Nancy Marlow, Court Reporter, and Ms. Grace Walters, Deputy Court Clerk, were present.

Mr. Scott Andrews appeared telephonically on behalf of the State.

Mr. Lamont Anderson appeared telephonically on behalf of the Idaho State Attorney General's Office.

The defendant appeared telephonically with counsel, Mr. David Nevin and Mr. Andrew Parnes.

Mr. Steve Kenyon appeared telephonically on behalf of the Idaho Supreme Court.

Mr. Nevin presented argument in mitigation on the Motion to Quash.

Mr. Andrews offered argument in opposition to the motion.

Mr. Nevin responded in support of the motion and asked that it be granted.

After a discussion with the parties, the Court found due process has been done in this case; Criminal Rule 38 does not mean an automatic stay in all criminal proceedings; the death warrant was signed with nothing to record, the Attorney General follows the case through the habeas corpus in the Federal Courts with their expertise. The Court finds there is no basis to quash the death warrant. There is no jurisdiction to do anything else in this Court. The Motion to Quash is DENIED.

Court was thus adjourned.



JON J. SHINDURLING
District Judge

c: Prosecutor
Scott Andrews
Lamont Anderson
David Nevin
Andrew Parnes
Steve Kenyon