

IDAHO COUNTY DISTRICT COURT
FILED
AT 9:50 O'CLOCK A M

FEB 24 2023

KATHY M. ACKERMAN
CLERK OF DISTRICT COURT
DEPUTY

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

STATE OF IDAHO,)	CASE NO. CR-1985-22075
)	
Plaintiff,)	
)	DEATH WARRANT
vs.)	
)	
GERALD ROSS PIZZUTO, JR.,)	
)	
Defendant.)	
_____)	

TO: Josh Tewalt, Director, Idaho Department of Correction, and Tim Richardson, Warden, Idaho Maximum Security Institution:

WHEREAS, the above-named Defendant, GERALD ROSS PIZZUTO, JR., on the 27th day of March 1986, was found guilty by a jury of two counts of First-Degree Murder; and,

WHEREAS, on the 23rd day of May 1986, the Honorable George Reinhardt entered his Findings of the Court in Considering the Death Penalty Pursuant to the Provisions of 19-2515(e), Idaho Code, finding five aggravating factors under Idaho Code § 19-2515(f) (1984), and when weighed against each statutory aggravating factor individually, all mitigating circumstances were not sufficiently compelling to make imposition of the death penalty unjust; and

WHEREAS, on the 27th day of May 1986, the Honorable George Reinhardt entered a Judgment and Sentence sentencing the above-named Defendant, GERALD ROSS PIZZUTO, JR., to death for two counts of First-Degree Murder; and

WHEREAS, on the 15th day of April 1988, the Honorable George Reinhardt entered an order denying the above-named defendant, GERALD ROSS PIZZUTO, JR., post-conviction relief; and

WHEREAS, on the 15th day of January 1991, the Idaho Supreme Court issued its opinion upholding the convictions and sentence of death and affirming denial of post-conviction relief, and issued its Remittitur on the 5th day of June 1991; and

WHEREAS, on the 2nd day of March 1992, the United States Supreme Court denied certiorari for the above-named defendant, GERALD ROSS PIZZUTO, JR.; and

WHEREAS, on the 7th day of April 1997, the Honorable Alan M. McDonald entered Judgment denying the above-named defendant, GERALD ROSS PIZZUTO, JR., federal habeas relief; and

WHEREAS, on the 6th day of February 2002, the United States Court of Appeals, Ninth Circuit, affirmed the denial of federal habeas relief; and

WHEREAS, on the 31st day of October 2005, the United States Supreme Court denied certiorari for the above-named defendant, GERALD ROSS PIZZUTO, JR.; and

WHEREAS, on the 30th day of December 2021, the Idaho Commission of Pardons and Parole recommended that the death sentences imposed upon GERALD ROSS PIZZUTO, JR., be commuted to fixed life without the possibility of parole, which recommendation was rejected by Governor Brad Little on that same date; and

WHEREAS, on the 23rd day of August 2022, the Idaho Supreme Court affirmed Governor Brad Little's rejection of the Idaho Commission of Pardons and Parole's commutation recommendation, and issued its Remittitur on the 28th day of October 2022; and

WHEREAS, on the 16th day of November 2022, a death warrant was issued by the Honorable Jay P. Gaskill for the execution of GERALD ROSS PIZZUTO, JR. on the 15th day of December 2022; and

WHEREAS the execution of GERALD ROSS PIZZUTO, JR. could not be carried out because the Idaho Department of Correction could not secure the necessary chemicals; and

WHEREAS, Idaho Code § 19-2715(4) mandates that, "if for any reason," "a judgment of death has not been executed, and it remains in force, the state shall apply for another warrant"; and

WHEREAS, pursuant to Idaho Code § 19-2715(5) the Court has inquired and finds there is an existing death sentence and that no valid stays of execution are currently in place; and

WHEREAS Idaho Code § 19-2715(3) mandates that, upon such application by the state, the district court shall set a new execution date not more than thirty (30) days thereafter.

NOW, THEREFORE, YOU ARE HEREBY COMMANDED, pursuant to Idaho Code § 19-2716 and the Judgment of this Court, to receive said Defendant, GERALD ROSS PIZZUTO, JR., into your custody, and on the 23rd day of March 2023, you shall cause the execution of said sentence of death to take place, unless said sentence is stayed by law, and that you shall make a return upon this Death Warrant, showing the time, mode and manner in which it was executed pursuant to Idaho Code § 19-2718.

DATED this 24th day of February, 2023.

M. Evans
District Judge Michelle M. Evans