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Idaho Supreme Court
Melanie Gagnepain, Clerk of the Court
By: Melanie Gagnepain, Clerk

Attorneys for Defendant Gerald Ross Pizzuto, Jr.

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 Nos. CR-1985-22075
)	
Plaintiff,)	MOTION TO SHORTEN TIME
)	
v.)	(CAPITAL CASE)
)	
GERALD ROSS PIZZUTO, JR.,)	Oral Argument Requested
)	
Defendant.)	
)	
)	
)	
)	

Pursuant to I.R.C.P. 7(b)(3)(H),¹ Plaintiff, Gerald Ross Pizzuto, Jr. respectfully asks the Court to shorten the timelines for the briefing and resolution of his motion for stay of execution, filed on today's date.

¹ I.R.C.P. 7(b)(3) applies in criminal cases. See Idaho R. Crim. P. 49(a).

I.R.C.P. 7(b)(3)(H) permits the Court to alter the deadlines that the rules would otherwise establish “for good cause shown.” As set forth in the stay motion, Mr. Pizzuto faces an imminent execution, scheduled for December 15, 2022. Furthermore, opposing counsel has chosen to wait until a week before Thanksgiving to obtain a death warrant, and to schedule an execution in the middle of the holiday season. As a result of opposing counsel’s approach, it is even more necessary for the undersigned to act with urgency, as there will likely be unavoidable delays and disruptions in the litigation over the next several weeks. Finally, the Idaho Supreme Court issued a scheduling order today in which it directed Mr. Pizzuto to file any appellate pleadings related to his execution by November 30, 2022. Mr. Pizzuto believes that he is required to seek the stay of execution at issue here from this Court and obtain a ruling on the request before he can take the matter on appeal—creating yet another need for expedience. In light of the above, Mr. Pizzuto has good cause to shorten the otherwise applicable timelines. He therefore respectfully asks the Court to waive the deadlines in Idaho Rule of Civil Procedure 7(b)(3).

In keeping with his request, Mr. Pizzuto is on today’s date filing a notice setting his stay motion for a hearing on November 22, 2022. Mr. Pizzuto respectfully asks the Court to order the State to respond to the motion by November 18, and for any reply in support to be due November 21. Finally, Mr. Pizzuto prays that the Court issue a ruling on his motion as soon as it practicably can.

Mr. Pizzuto will not be filing a brief, memorandum, or the like in support of the instant motion.

DATED this 16th day of November 2022.

/s/ Deborah A. Czuba
Deborah A. Czuba
Jonah J. Horwitz

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November 2022, I served the foregoing document on all interested parties via iCourt file and serve:

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/s/ Heidi Thomas
Heidi Thomas