

FEDERAL DEFENDER SERVICES OF IDAHO

SAMUEL RICHARD RUBIN
EXECUTIVE DIRECTOR

TERESA A. HAMPTON
SUPERVISING ATTORNEY

CAPITAL HABEAS UNIT

702 W. IDAHO ST., STE. 900

BOISE, IDAHO 83702

(208) 331-5530

FAX (208) 331-5559

BRUCE D. LIVINGSTON

OLIVER W. LOEWY

BRADY WARD KING

KIRILL ERSHOV

For Immediate Release

We are carefully reviewing the 43-page opinion issued this evening, and have alerted the staff at the United States Court of Appeals for the Ninth Circuit that we intend to file a brief tomorrow seeking a stay of execution. We remain dedicated to challenging Idaho's lethal injection protocol, as we maintain it could subject Mr. Rhoades to substantial risk of severe pain.

We will continue to urge Gov. Butch Otter to exercise his executive powers and grant a reprieve until a full hearing can be held before the Parole Commission so that Mr. Rhoades can present a full and accurate picture of his case. Further review by the governor is appropriate since, contrary to his remarks that aired today on Boise State Public Radio, Mr. Rhoades was not sentenced to the death penalty by two unanimous juries. A clemency hearing is the only way Mr. Rhoades can show why he is not someone who society should execute.

BOISE TRIAL OFFICE
702 W. IDAHO ST., STE. 1000
BOISE, IDAHO 83702
(208) 331-5500
FAX (208) 331-5525

POCATELLO TRIAL OFFICE
707 NORTH 7TH AVENUE
POCATELLO, IDAHO 83201
(208) 478-2046
FAX (208) 478-6698