



STATE OF IDAHO
COMMISSION OF PARDONS AND PAROLE

Brad Little
Governor
Ashley Dowell
Executive Director

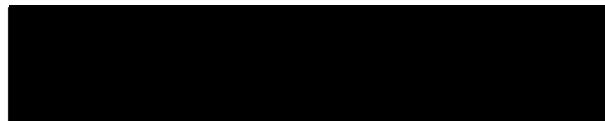
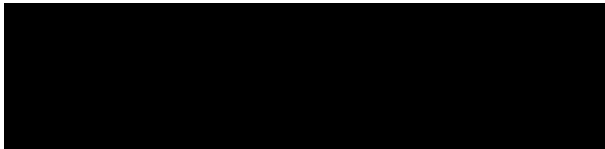
IN THE MATTER OF GERALD ROSS PIZZUTO
PETITION FOR COMMUTATION
Idaho County Case No. CR-1985-22075

This matter came before the Commission on November 30, 2021, to consider the request by Mr. Pizzuto to commute his imposed sentences of death to life without possibility of parole. Mr. Pizzuto was convicted of two (2) counts of Murder I in 1986 for the murders of Berta and Del Herndon.

DECISION OF THE MAJORITY

The Commission is recommending by a majority decision that Governor Little grant the commutation of Gerald Ross Pizzuto's two (2) death sentences in Idaho County Case No. CR-1985-22075 to life in prison without the possibility of parole. This decision is not based on any doubt or question about Mr. Pizzuto's guilt or the horrific nature of his crimes. This recommendation is one of mercy due to Mr. Pizzuto's current medical condition and evidence of his decreased intellectual functioning. Mr. Pizzuto suffers from advanced terminal bladder cancer and other major medical conditions that leave him faced with impending death and confined to a wheelchair. The Commission also considered compelling evidence of Mr. Pizzuto's decreased intellectual functioning and deficits in adaptive functioning, identified through expert evaluations and brain scans. While his level of intelligence did not meet the legal threshold prohibiting the execution of individuals with mental retardation established by the U.S. Supreme Court in *Atkins v. Virginia*, 536 U.S. 304 (2002), the Commission is not bound by that threshold. Mr. Pizzuto has served 35 years in prison and his physical condition, as well as the fact that he will never be released from prison, leaves him as very little threat to others. The Commission understands the difficulty of this decision for the family of Berta and Del Herndon and expresses our deepest sympathies for their loss and continued emotional impact from this crime.

Issued this 30th day of December, 2021.



DISSENT OF THE MINORITY

The minority members of the Commission voted to deny the commutation of Gerald Ross Pizzuto's death sentence in Idaho County Case No. CR-1985-22075 to life in prison without the possibility of parole. The cruel and heinous nature of Mr. Pizzuto's crimes and his lack of responsibility, accountability, and credibility warrant imposition of the original sentence imposed and the execution of Mr. Pizzuto. Mr. Pizzuto's current medical condition does not outweigh or diminish the justification or value of the original sentence of death imposed in this case. That sentence was justified at the time of sentencing and is justified today. The dissenting Commissioners believe Mr. Pizzuto knew what he was doing when he committed these murders and fully understood the consequences of his actions. His actions were premeditated and void of any mercy for his victims. The victims of Mr. Pizzuto, and other victims of crime, must have confidence not only in the justice system, but in the original decision and imposition of the sentence.

Issued this 30th day of December, 2021.

