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For Immediate Release:

State's Rush to Execute Gerald Pizzuto is Premature and Unnecessary

The state's rush to obtain a death warrant for Gerald Pizzuto undermines his constitutional rights to resolve several outstanding legal questions including whether he will be tortured by the drugs that will be used to execute him.

Staging an execution between the Thanksgiving and Christmas seasons also shows a stunning lack of regard for the emotional health of the execution team, correctional officers, and medical and mental health staff at the prison. The holidays of all of these men and women would be overshadowed by the killing of Mr. Pizzuto, a gravely ill elderly man some of them have known for a decade or more.

Under Idaho law, the state has 30 days to carry out an execution once a death warrant is signed by a judge. However, Mr. Pizzuto has several legal challenges pending in state and federal courts. So we are seeking a stay of his execution so these claims can be fully adjudicated:

- Challenging the Governor's veto of the clemency recommendation on the grounds that it violates due process.
- Challenging the use of pentobarbital on the grounds that it creates a risk of a torture to a man riddled with cancer, diabetes and heart disease. Mr. Pizzuto's history of prescription medication will make the pentobarbital less effective, and his heart condition increases the chances of a painful heart attack before he is sedated.

Deborah Czuba, Supervising Attorney for the Capital Habeas Unit of the Federal Defender Services of Idaho, said the state's hasty pursuit of a death warrant is reckless and unnecessary considering all the legal issues still in play. Gov. Brad Little still has the opportunity to accept the recommendation that Mr. Pizzuto be granted clemency and allowed to die a natural death in prison.

"The state is trying to execute Mr. Pizzuto as quickly as possible to prevent the courts from giving thorough and careful consideration to whether his execution would be lawful. The Governor can still accept the recommendation of his Commission and spare Mr. Pizzuto, the public and especially the prison staff a needless execution."

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