

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RANDY LYN MCKINNEY,)	
)	
Petitioner,)	Case No. CV 96-0177-S-BLW
)	
v.)	<u>CAPITAL CASE</u>
)	
GREG FISHER, Warden,)	JUDGMENT
)	
Respondent.)	
_____)	

Based upon the Court’s Memorandum Decision and Order filed herewith, IT IS HEREBY ORDERED, DECREED, AND ADJUDGED that the Third Amended Petition for Writ of Habeas Corpus shall be conditionally GRANTED in part and DENIED in part. A Writ of Habeas Corpus shall issue as to Petitioner’s death sentence unless the State of Idaho initiates a new capital sentencing proceeding, or vacates the death sentence and imposes a lesser sentence, within 180 days of the date that this Judgment is entered on the docket.



DATED: **September 25, 2009**

B. Lynn Winmill

Honorable B. Lynn Winmill
Chief U. S. District Judge