
BEFORE THE BOARD OF PARDONS AND PAROLE
OF THE STATE OF UTAH

In re: Commutation Petition of

DECISION AND RATIONALE

RONNIE LEE GARDNER,
OFFENDER #114873

The matter of the Commutation Petition of Ronnie Lee Gardner came before the Board of Pardons and Parole (“Board”) for Hearing, on Thursday, June 10, 2010 and Friday, June 11, 2010. Petitioner Ronnie Lee Gardner (“Gardner”) was present on June 10, 2010. Petitioner Gardner waived his appearance, and was excused from attendance on June 11, 2010, pursuant to his request and waiver, and the motion of his counsel. Petitioner Gardner was represented by his counsel, Andrew Parnes, Megan Moriarty and Therese Day. Respondent State of Utah was represented by its counsel Thomas B. Bruncker and Erin Riley. Board Chairman Curtis L. Garner, presided. The Board, constituted for purposes of this hearing and decision, consisted of Board Members Curtis L. Garner, Clark A. Harms, Jesse Gallegos, as well as Iris E. Hemenway and Donald E. Blanchard, Board Members *Pro Tempore*.

Authority

The Utah Constitution vests the Board with the authority to grant or deny the commutation of any sentence, including a death sentence. Utah Const., Art. VII, Sec. 12. The Legislature has also charged the Board with the responsibility and authority to determine when, and under what circumstances, sentences imposed by the courts of this state may be commuted. Utah Code Ann. §77-27-5(1)(a) [1953, as amended].

Commutation Petition Record

The Board has received, fully reviewed and carefully considered the following materials: Gardner's Petition and attached Exhibits A, B, C and D; Gardner's Response to Order to Produce Additional Information; Gardner's Supplemental Exhibits, including the transcript of the evidentiary hearing of Gardner's federal *habeus corpus* proceedings (*Gardner v. Galetka*, Case No. 2:95-CV-846C), Vols. 1-10; Gardner's Supplemental Video Exhibit (video statements of Randy Gardner and Tyler Ayers); Gardner's Supplement to Petition, filed June 9, 2010, including the letter of Debra Bischoff and three juror declarations; Gardner's Supplement to Petition, filed June 11, 2010, including a fourth juror declaration; the State's Response to Petition, including attached Exhibits 1-29 and 32-33; the State's Response to Gardner's Supplement to Petition and Motion to Disregard Undisclosed Testimony; Gardner's Board file; the victim statements made at the commutation hearing; the statements, testimony, and video testimony as introduced and adduced at the commutation hearing; and the arguments of counsel made during the commutation hearing.

Commutation Decision

Based upon its careful review and consideration of the file and record in this matter, and a careful review and consideration of all of the information submitted by the parties and adduced and introduced during the hearing; based upon its deliberations following the hearing; and for good cause; exercising its authority and discretion as granted to, and vested in the Board by Utah Const., Art. VII, §12, and Utah Code Ann. §77-27-1 et seq. (1953, as amended), the Board denies Gardner's Petition for Commutation.

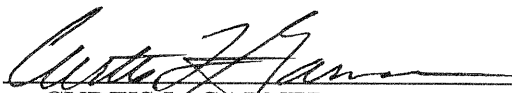
Rationale

Gardner makes no claim of innocence, and admits that he is guilty of each of the crimes of which he has been convicted. Based upon the facts and circumstances of this case, including Gardner's criminal history, life history, and the totality of the information, evidence, records, testimony and arguments submitted, reviewed and considered in this matter, the Board determines that the jury's verdict imposing a death sentence in Case #85-700 (851907002) was not inappropriate. The Board further determines that no sufficient reason exists to grant clemency or to commute Gardner's death sentence.

The decision and rationale of the Board is unanimous.

DATED this 14th day of June, 2010.

**BOARD OF PARDONS & PAROLE
OF THE STATE OF UTAH**

By: 
CURTIS L. GARNER
Chairman