

NO. 23-6831

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS E. CREECH,

Petitioner,

v.

IDAHO COMMISSION OF PARDONS AND PAROLE,
JAN BENNETTS, ADA COUNTY PROSECUTING ATTORNEY,
IN HER OFFICIAL CAPACITY.

Respondents.

APPENDIX TO BRIEF IN OPPOSITION

THIS IS A CAPITAL CASE WITH AN EXECUTION
SCHEDULED FOR FEBRUARY 28, 2024

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COMMUTATION HEARING MINUTES

State of Idaho
Commission of Pardons & Parole

| | | | |
|----------------|---|---------------------|----------------|
| COMMISSIONERS: | Matthews, Mike; Dressen, Janie; Kirkham, Terry; Parker, Shelly; Ross, Michael; Smith, Scott | EXECUTIVE DIRECTOR: | Dowell, Ashley |
| OFFENDER: | Creech, Thomas Eugene | IDOC #: | 14984 |
| DOC LOCATION: | Idaho Maximum Security Institution | DATE: | 1/19/2024 |

CASES

| Case Number | Offense | Sentence Type | Max. | Min. | PED | FTRD |
|-------------|----------|---------------|-------|-------|-----|-------|
| 10252 | Murder I | Concurrent | DEATH | DEATH | N/A | DEATH |
| 2165 | Murder I | Independent | LIFE | LIFE | N/A | LIFE |
| 2165 | Murder I | Consecutive | LIFE | LIFE | N/A | LIFE |

PRIOR HEARINGS

| Date | Type | Decision |
|------------|--------------------|------------------|
| 10/18/2023 | Commutation Review | Schedule Hearing |

CURRENT DETAILS

| Hearing Started | Executive Session At | Hearing Resumed | Hearing Ended |
|-----------------|----------------------|-----------------|---------------|
| 08:48 AM | 02:33 PM | 02:39 PM | 05:10 PM |
| | 04:25 PM | 05:10 PM | |

Minutes**Welcome & Introduction**

The Commission welcomed those in attendance at the Commission office, including supporters, victims, Thomas Creech's legal counsel, and Ada County Prosecutors. The Commission greeted Thomas Creech, who is attending this hearing from Idaho Maximum Security Institution, via WebEx. Due to limited space at the Commission office, the public can view this hearing from the Idaho State Police District 3 Headquarters, via WebEx.

Thomas Creech submitted a petition for commutation of his sentence, from death to life without parole. On October 18, 2023, the Commission reviewed Mr. Creech's petition and elected to schedule this commutation hearing. The Commission explained that the purpose of this hearing is not to retry this case, but to consider commuting Mr. Creech's death sentence to a life sentence without the possibility of parole.

If the Commission elects to recommend commutation, the Governor will have thirty days to respond. If the Commission elects to deny commutation, then this process will end today.

The Commission reviewed the order of events for this hearing: supporter testimony, Federal Defenders of Idaho presentation, Ada County Prosecutor presentation, Commissioner questions for Mr. Creech and his responses, Federal Defenders closing, Prosecutor closing, and then victim statements.

Supporter Testimony

Brian Thom – Retired bishop. Mr. Thom stated that he is Mr. Creech's spiritual advisor, and at his request, would be in present in the chamber with him. He believes hope has been achieved in Mr. Creech's incarceration at IMSI. This time has allowed Mr. Creech to amend his attitudes and behaviors, and other residents now look up to him, as a mentor. Clemency will ensure Mr. Creech is held responsible for his crimes for the rest of his life, will ensure public safety, and will allow Mr. Creech to remain the positive and calming influence that he has become.

Gary Hartgrove – Has worked in law enforcement for forty years; he worked for the Idaho Department of Corrections from 2015 to 2020, retiring as Deputy Warden at IMSI. He walked death row regularly, got to know the residents there. He is fully aware of what Mr. Creech has been convicted of. He stated that Mr. Creech always appropriately addressed staff, followed the rules, and never displayed any threatening behavior. Officers and staff, including himself, appreciated Mr. Creech's cooperative attitude.

Mr. Hartgrove was tasked with reestablishing the program that allowed residents to spend time together, in the common area of the tier. Residents initially spent time in pairs, at a table with their legs restrained, and throughout his time at IMSI, the guidelines loosened up significantly, eventually allowing more than two inmates to walk the tier together. Mr. Creech made many suggestions to improve the program and provided input about possible incompatibility issues that the staff greatly appreciated and used to ensure safety.

Mr. Creech was always friendly and upbeat. Even when he was doing poorly, though he looked sick and became withdrawn, he did not cause any problems. In 2019, Mr. Creech was dealing with some serious health issues, and as deputy warden, Mr. Hartgrove ensured Mr. Creech received the medical attention and treatment that he needed. During that time, Mr. Creech told him, "I'm sorry for what I did to that kid," and he asked for a Catholic priest to come to the facility to take his confession. Mr. Hartgrove arranged for Father Evarist Shiyo to come to IMSI and visit Mr. Creech. He stated that no other inmate, in his entire career, had ever made such a request.

Mr. Hartgrove asked the Commission to consider allowing Mr. Creech to spend the rest of his life in prison. He stated that residents in their 60s-70s, like Mr. Creech, are extremely old in prison, compared to the others, and most of them realize life is much less stressful when they do not struggle with authority. He believes Mr. Creech is a minimal threat, and staff would suffer if he were executed.

Kathy Niecko – Director of Nursing at IMSI from 2001 to 2006, and Health Services Administrator of IMSI from 2006 to 2014. Mrs. Niecko stated that she is not some old softy with a bleeding heart for the condemned. She is a military veteran, and she made it through nursing school while raising six children, including one with a disability, who she stills cares for today. She is no pushover. She has tremendous respect for law and order, chain of command, and the justice system. She believes in the death penalty, but she does not believe Thomas Creech should be executed.

Mrs. Niecko explained that she did not always feel that way. Her initial impressions of Mr. Creech were shaped by descriptions of him in the news, in the late 1980s. Her now late husband was a correctional officer at that time, and she was afraid for him. She asked her husband if he ever had to watch Thomas Creech, and he said yes. He quickly reassured her that Mr. Creech is not a problem or a danger but in fact, quite the opposite. She wondered if her husband was only trying to ease her fears, until twenty years later, when she found herself working at IMSI.

Mrs. Niecko was surprised by Mr. Creech's respectful and polite communication. She stated that the inmates did not usually treat her staff nicely. Some inmates threw feces at them. Mr. Creech, on the other hand, was always thankful, and throughout her entire career in IDOC, she watched Mr. Creech treat every other staff member in the same manner. No other inmate, she said, has ever shown her such heartfelt gratitude. Mr. Creech wrote her a letter of thanks, which she has kept to this day.

Mrs. Niecko recalled a situation where Mr. Creech needed to be treated at an outside hospital, but he did not want to go. She brought him into an exam room to speak to him in private, but against her instructions, there was a CO in the room. She told the CO to leave, and he initially refused because he was concerned for her safety. She told the CO that she was absolutely sure, and he did leave the room so that they could have a conversation. Mr. Creech expressed that he did not want to go to the hospital because he was afraid of being outside of the prison. She explained to him that if he went, then she would be able to get the proper medications for him to be more comfortable, and he eventually agreed to go and thanked her again. She stated that he never missed one chance to show his gratefulness to her and her staff.

Mr. Creech was also protective of everyone on Mrs. Niecko's team. Mrs. Niecko recalled a pharmacy technician being harassed by a shot caller of a prison gang. He scared the pharm tech by yelling and making inappropriate comments at her. Mr. Creech yelled at the shot caller to mind his manners and be respectful. The shot caller went silent and later apologized to the tech.

Mrs. Niecko stated that she never had any complaints about Mr. Creech from her staff. On the contrary, most of the staff expressed that they did not want to be around on the day of Mr. Creech's execution; they wanted to call in sick or simply not show up. Mrs. Niecko stated that one staff member told her that she may be the only one that shows up for work that day.

Mrs. Niecko believes in the death penalty if two conditions are met: hard evidence of the crime, and execution being carried out in a reasonable amount of time. She stated that getting to be 70-80 years old when a death warrant is finally issued is cruel and unusual punishment, and an execution at this point in Mr. Creech's life is pointless. She believes this is punishment enough. She stated that Mr. Creech did terrible things, but she truly believes he is not that person anymore. She explained that when the doors were malfunctioning on J Block, where the most dangerous inmates are housed, she told others that if a riot popped off because those doors malfunctioned, she would immediately go to Mr. Creech's cell, because that is where she would be safe.

Mrs. Niecko thanked Mr. Creech for his respect and gratitude toward her and her staff. She thanked the Commission for allowing her to make a statement.

Melissa Hurley – Has been working in death row for six and a half years. She experiences interruptions in her life, schoolwork, social interactions, and every other aspect of her life whenever executions are carried out. It is especially difficult because family, friends, loved ones never understand what she is going through. She knows she is not the only one who is affected in these ways. She stated that even while he faces death every day, Mr. Creech's presence is comfortable; his character is the exact opposite of what you'd expect, and she has never heard one story to contradict her experiences with him. In 2018, she said, Mr. Creech gave her a signed copy of his poem, and she was granted permission from her superiors to keep it and take it home. She commented that something that is usually seen as potential manipulation was deemed genuine because it came from Mr. Creech.

Ms. Hurley believes the day of Mr. Creech's execution will be extremely difficult for everyone in the facility, especially the higher ups who are more involved in the process and have known him for so long. She cannot even begin to understand the suffering dealt at his hands, she does not know who he was before, but she knows he continues to make positive contributions to his community today. She supports commutation to a life sentence without parole.

Federal Defenders of Idaho Presentation

Jonah Horwitz, attorney with the Federal Defenders of Idaho, asked the Commission to show mercy and recommend reducing Thomas Creech's death sentence to life without parole. He believes Mr. Creech's story proves the power of redemption, and that is why he should not be executed. He thanked the Commissioners, Executive Director, and Commission staff.

Mr. Horwitz explained that the entire principal, the heart of the death penalty is that it should be reserved for the worst of the worst, when there is no other option. He asked the Commission whether they believe the Thomas Creech of 2024 is among the worst people of society, because that is who would be executed today.

Mr. Creech committed serious crimes and deserves punishment for them. Mr. Horwitz asked the Commission to keep in mind when those crimes occurred, because the last thirty years tells a different story. In 1998, Mr. Creech married his wife, LeAnn. In 2010, the director of IDOC chose Mr. Creech to serve as ambassador, to meet with a group from the Methodist Church. In 2019, the prosecutor who originally wanted to seek death spoke against it. In 2020, Mr. Creech was observed to be a model inmate for decades. In 2023, the judge who sentenced Mr. Creech to death publicly spoke against his execution. Mr. Creech has excellent disciplinary records and has established real, positive relationships. This is what paints the picture of the Thomas Creech of 2024. This is not about whether Tom of 1981 deserves to die, he said, but whether Tom of 2024 deserves to live.

Mr. Horwitz stated that Thomas Creech was justly convicted and punished for the death of David Jensen, but the question is whether this crime requires an execution, and they believe the answer is no. There are many interpretations of what happened on that day. Two officers wrote that they believe there is no way Mr. Jensen initiated the assault, but when Judge Robert Newhouse sentenced Mr. Creech to death in 1982, he noted that Mr. Creech was attacked by the victim without provocation. Judge Newhouse knew more about the case than anyone, reviewed all of the evidence.

9:33 a.m. – BREAK

9:41 a.m. – RESUME HEARING (Federal Defenders of Idaho Presentation)

Mr. Horwitz asked the Commission to compare this case to similar crimes. Santos-Quintero is accused of beating a fellow inmate to death, and prosecutors in his case elected not to pursue the death penalty. The idea that execution is necessary for closure in any situation comes from the prosecutor's decision to seek the death penalty in the first place. When that decision is not made, then victims are able to find closure from life in prison without the possibility of parole, which is what they are asking for today.

Thomas Creech has been described by IDOC staff as a caring, thoughtful, compassionate person. Ronald Gus, who worked for IDOC for twenty-three years, wrote about Mr. Creech, "of all the men upon the row, only you will get a tear to flow." In 2012, when Mr. Gus' wife passed away, Mr. Creech wrote a touching poem for him, to express his condolences. Brandi Barclay, who worked at IMSI until 2004, wrote that Mr. Creech is incredibly talented, and that staff members who kept his poems did so because they truly treasured them.

Mr. Horwitz explained that Mr. Creech has used his poetry skills to comfort, honor, and respect IDOC staff. Regarding his poem "Unsung Heroes," Mr. Creech said he saw what the officers were going through, and many residents were down on them, spitting on them, threatening their families, and he never understood why others were so angry at the guards when the guards are not the ones that put them there. Mr. Creech previously stated that whether people realize it or not, the officers are putting their lives on the line every day.

Mr. Horwitz added that Billy Braseth, who retired from IDOC in 2011, believes Thomas Creech's personality is not compatible with a death sentence. Jeanette Griggs, who worked for IDOC for twenty-seven years, believes in the death penalty but also believes Thomas Creech is entitled to clemency; she believes he already has and continues to receive serious punishment for his crimes.

Mr. Horwitz played clips of interviews with Roger and Donna Boe, Bishop Bob Hoshibata of the United Methodist Church, Thomas Creech's wife, his sister, and his brother-in-law.

During her interview, Donna Boe recalled that she met Thomas Creech with Bishop Hoshibata in 2010. Mrs. Boe stated that Mr. Creech was remarkably relaxed, given his situation, and he answered their questions as best as he could. Bishop Hoshibata explained that he wanted to know what was going through Mr. Creech's mind; he was interested in his history, what brought him to that place, and how he was doing on death row.

When it came time for them to leave, Mrs. Boe said, Mr. Creech held hands with them and allowed Bishop Hoshibata to lead them in prayer. Bishop Hoshibata stated that he felt the presence of God there; he felt a strong spiritual connection, not with someone who was evil but with a human being that God had placed upon this earth. Bishop Hoshibata felt that this person is not someone who should die. Brent Reinke, Director of IDOC at that time, wrote about how thankful he was for that meeting.

Thomas Creech's sister, Virginia Plageman, and her husband, Michael, explained that Tom has a lot of wisdom now, and he has made them stronger, too. She stated that visiting her brother after he was sentenced to death was one of the most difficult times of her life. They are close, and her children love him.

10:05 a.m. – BREAK

10:10 a.m. – RESUME HEARING (Federal Defenders of Idaho Presentation)

Mr. Horwitz told the Commission about Thomas Creech's wife, LeAnn Creech. She is the most important person in Mr. Creech's life, his motivating force on his path to becoming a decent, honorable person. During her interview, Mrs. Creech explained how they met in 1996, when her son was a correctional officer at IMSI. Her son would come home and talk about Tom, about how he liked him and thought he was a good guy. They got married in 1998 and have been best friends ever since.

Mrs. Creech stated that Tom understands and cares so deeply, she does not know how anybody could not love him. She wondered how she could end up married to someone on death row. She explained that Tom is on death row for things that he did when he was young, but that is not who she married. Her family loves him, especially her nieces who are always laughing when they talk to him on the phone; her family has become his family. She stated that Tom touched something in her soul that nobody had ever reached before. She added that Tom's poetry is what truly showed her his heart, because there is no way anybody could write like he does, and not have a good soul and spirit. His sister believes he will be a well-known author one day.

Mr. Horwitz reviewed Mr. Creech's disciplinary record. Starting in 1992, Mr. Creech went twenty-eight years without a single DOR, and he is treated appropriately as no risk by IMSI staff. Mr. Horwitz showed a timeline of Mr. Creech's DORs, and he admitted that there were some serious, inexcusable incidents. He stated that those are from a distant era, many years ago, and they do not describe who he is today.

Thomas Creech received a DOR in 2022. The other resident involved, Azad Abdullah, later explained that it was just a misunderstanding over a card game that unfortunately got heated, but they immediately made amends and have been close ever since. Mr. Abdullah described Mr. Creech as a close friend and brother to him, and he would be devastated if Mr. Creech was executed.

Attorney Horwitz explained this incident a lapse in judgment, and Mr. Creech was appropriately disciplined for it. Mr. Creech lost his temper, but this does not reflect deliberate planning or intention to do harm. Mr. Creech ended up on the floor, unresponsive, as a result of that exchange. He was taken to the emergency room, where doctors detected a large abdominal aneurysm that required major surgery, which indicates how frail he has become. Mr. Horwitz stated that Mr. Creech is no longer capable of engaging in such conduct. He added that after this incident, other residents showed great concern for Mr. Creech, proving that he is held in great esteem and remains a model inmate. He noted that prosecutors included a report about drugs being detected on an envelope, but the envelope was tested by Idaho State Police, and it turned out to be a false positive and Mr. Creech did nothing wrong.

Mr. Horwitz reiterated that Judge Newhouse imposed the death penalty because he knew of no other way to protect society at the time, but even he has recognized that Thomas Creech has changed, grown, evolved, and is no longer a threat.

Mr. Horwitz understood that there are different accounts on whether Thomas Creech poses a threat today. Former Senior Deputy District Attorney of Multnomah County, Oregon, Baron Sheldahl wrote that he is sure those advocating for Creech's clemency would not want to spend one minute alone with him in his cell. Mr. Horwitz responded that Mr. Creech is a different person than what Sheldahl believes, and he reiterated that Mrs. Niecko said she would go to Mr. Creech's cell for safety in the event of a disruption in the facility. He added that Mr. Creech was unrestrained during his meeting with Dr. Campbell, which proves that staff does not perceive him as a threat. He stated that he has spent hundreds of hours alone with him, himself, and he has never felt apprehension, even for a moment.

Some have explained Mr. Creech's exceptional record by pointing out that he has been in lockdown throughout his entire incarceration. Mr. Horwitz reiterated that IDOC started giving death row inmates more time to socialize amongst themselves without restraints in 2018. He stated that they are now allowed eight hours per day, every day, to socialize without restraints for a substantial length of time, and Mr. Creech has only benefitted from that.

Mr. Horwitz stated that Thomas Creech is not a threat, and IDOC is more than capable of doing its job and keeping other residents safe, as they have for the last thirty years. On the contrary, Mr. Creech's execution would deprive other residents of his positive impact for no good reason. Mr. Creech has given sound advice to younger inmates, to help them stay out of trouble, and he encourages them to give up their criminal lifestyles.

Mr. Horwitz believes it is important to consider these statements and think about what Mr. Creech's execution would say to other inmates. It could show them that rehabilitation is impossible, or that it does not matter whether they turn their lives around. He stated that that is the worst possible message that they could send.

Mr. Horwitz explained that Thomas Creech's childhood does not excuse any of his crimes, but it does explain how he got to that point. When Mr. Creech was five years old, he was pushed off of a flight of stairs, onto a cement floor. He was found unconscious and bleeding from his eyes, ears, and mouth. He was being treated for a cerebral concussion, until his mother pulled him out of the hospital against the doctor's orders. Mr. Creech's siblings have reported that he was different and strange after that, and he has never been the same since.

Mr. Creech's brain injury was compounded by the fact that he grew up in an abusive, neglectful home. His mother essentially abandoned them, and his father was a violent alcoholic. One year, his cousin attempted to shoot his mother on Christmas Day. He experienced trauma throughout his childhood and has spent the vast majority of his adult life in prison. Until 2018, he was isolated for twenty-hour per day, with almost no human contact. That is a serious punishment that he deserved, and he did serve.

Mr. Creech also continues to live with the knowledge of what he did, the horrible price that he exacted from the victims of his crimes. Attorney Horwitz believes living with the understanding of the consequences of his actions is punishment itself. Mr. Creech's wife,

LeAnn previously stated that he does not deserve death for things that he did in his 20s, things that he knows he shouldn't have done and have haunted him ever since. She believes he has suffered for everything he did, not only because he is in prison but because of what it did to him as a person, what he has had to come to terms with. She stated that Tom looks back and cannot believe he was ever that person, and he struggles to understand how he got to that point.

Mr. Horwitz turned the Commission's attention to the allegation that Thomas Creech is the worst serial killer in Idaho history. He believes this is a myth. He explained that there is no denying Mr. Creech committed many serious crimes, and it is important for the Commission to take his convictions into account, but there are other stories about 28 or 32 or 42 murders that are completely false, and it is also important for the Commission to not base their decision on those myths.

Mr. Horwitz explained that the myths started with Bruce Robinson's desire to line his pockets by distorting his client's case. Bruce Robinson has acquired rights to Thomas Creech's life story, which Horwitz called an extremely unethical maneuver for any attorney. Mr. Robinson's goal was to use the trial to create a spectacle and then sell the story to others, which he made clear in his letter to Vince Bugliosi, the author of "Helter Skelter."

Mr. Creech was subject to truth serum interviews and hypnotization, which is where the stories about 42 murders and satanic motorcycle gangs originated. These interviews came from a doctor who also required rights to Mr. Creech's story, which is extremely unethical of a doctor, as well as an attorney. Interviews involving truth serum, or sodium amytal, have since been ruled unconstitutional.

In court, Mr. Robinson explained that his goal of the trial was to realize the existence of God and Satan, and he tried to call Anton LaVey, founder of the Church of Satan, to testify for Mr. Creech's case. Mr. Horwitz stated that one of Robinson's only investigative steps was to travel to Ohio in search of buried money that did not even exist. He concluded that the origins of these stories are clearly not reliable and should not be taken into consideration. He asked the Commission to limit their consideration to the crimes that Thomas Creech has been convicted of.

Mr. Horwitz reiterated that the judge that sentenced Thomas Creech to death, Judge Newhouse, has since spoken against his execution. Judge Newhouse wrote that an execution at this point would only be an act of vengeance, and no other purpose would be served. Mr. Horwitz added that in most states, Mr. Creech would have been sentenced by a jury of his peers, but in Idaho, Judge Newhouse is the solitary man responsible for his death sentence, and that man now believes the death penalty is no longer necessary in this case. Mr. Horwitz said many people feel there is a role for vengeance to play in the justice system, but we have learned and grown as a society, and now, we give the justice system a higher purpose of rehabilitation and redemption, and that is exactly how Thomas Creech has lived his life in prison.

Mr. Horwitz continued the video of Donna Boe's interview, where she reminded everyone that Thomas Creech is not the person that she read about in the news. Mrs. Boe believes every person deserves the right to repent of their sin. In her interview, LeAnn Creech said Thomas Creech knows what he did wrong, and as much as he wishes he could, he cannot change it. She stated that he can only do his best with what life he has left, and he does whatever he can to be there for others, help them, and make them feel good. Virginia Plageman stated that commuting Tom's sentence from death to life in prison is simply the right thing to do, not because Tom is her brother but because he is a different person today. Michael Plageman added that he believes everyone is a little selfish, except Tom, who does not have a selfish bone in his body. Mr. Boe said it would be disastrous to see Tom's life taken away, and he is going to die soon anyway, so to do it this way is pointless.

Attorney Horwitz asked the Commission to vote for life, against more death, and thanked them.

10:49 a.m. – BREAK

11:12 a.m. – RESUME HEARING

Ada County Prosecutor Presentation

Ada County Deputy Prosecutor Jill Longhurst stated that Thomas Creech is a serial killer. In 1981, she said, Thomas Creech said he would kill again, and two months later, he did. Thomas Creech brutally beat and stomped David Jensen to death. Ms. Longhurst stated that Thomas Creech is the most prolific serial killer in Idaho history.

Ms. Longhurst explained that the biggest lie Thomas Creech ever told was that the brutal beating of David Jensen was self-defense. Mr. Creech wanted to go into isolation, and in order to get what he wanted, he used violence, and it worked. He has always used violence or threats of it to get what he wants.

Thomas Creech has been convicted of murder five times, in three states. Two other states have holds on him for other murders. He has confessed to more than fifty murders in at least five states. To put those numbers in perspective, Ms. Longhurst explained that in the case of Jack the Ripper, five bodies were found. Charles Manson was responsible for the murders of seven people. David Berkowitz, also known as the Son of Sam, committed six murders. Ted Bundy was convicted of seven murders and confessed to thirty. The court has ruled that Thomas Creech used excessive violence in the murder of David Jensen, he was beyond rehabilitation, and he has a propensity to commit murder. Ms. Longhurst explained that today, they will focus on ten people that Thomas Creech murdered, in addition to David Jensen. She stated that there are other victims, but they selected ten particular cases to review for this hearing.

In September of 1974, Thomas Creech met an underaged girl in Fresno, California, who was trying to find a way home to her mother.

Mr. Creech told the girl, Carol Spaulding, that he would take her to her mother in Idaho, but instead, they traveled around the country, hijacked cars, and committed robberies, until they finally ended up in Lewiston, Idaho around Halloween of 1974. Mr. Creech and Ms. Spaulding stayed with her mother for a few days and then began traveling again. While hitchhiking, they were picked up by two men in a Buick, Thomas Arnold and John Bradford.

The four of them drove until Ms. Spaulding asked to stop to use the restroom. They stopped, Mr. Creech got out of the vehicle, and after Ms. Spaulding got out, Mr. Creech pushed her to the ground, shot Thomas Arnold in the face and neck, and shot John Bradford in the temple. Mr. Creech and Ms. Spaulding stole the Buick and drove until they ran out of gas. After that, they hitchhiked and committed armed robberies until they got to Glenns Ferry, where someone recognized them and called police.

After he was apprehended, Ms. Longhurst said, Mr. Creech could not wait to tell everyone about what he did; he said he killed those two guys and needed help. Ms. Longhurst noted that this was well before Mr. Creech hired Attorney Bruce Robinson. Mr. Creech confessed to numerous murders, was ready to spend the rest of his life in prison for them, and was even flown out to help investigators locate the bodies of his victims.

Thomas Creech's confessions began on November 8, 1974, and he retained Mr. Bruce Robinson in July of 1975.

As Idaho State Police received more and more information from Thomas Creech, they contacted the jurisdictions where numerous other murders occurred. The US Supreme Court previously reported that Thomas Creech has participated in twenty-six murders across seven states, and eleven of the victims' bodies have been located. Due to the way that the Idaho statute was written at the time, the death penalty was the only option. Mr. Creech was placed on death row in IDOC custody, and as a result, the other states struggled to extradite him. Ms. Longhurst added that the statute as written was eventually ruled unconstitutional, and Mr. Creech's two death sentences were commuted. After that, in 1979, Mr. Creech was being extradited to other states to be tried for the murders that he committed under their jurisdictions.

Deputy Prosecutor Longhurst explained that Paul Schrader was an automotive mechanic from Detroit, Michigan, who'd decided to move to Tucson, Arizona for his retirement. When he arrived in Tucson, he rented a room in a hotel downtown, and unfortunately, the man staying next door to him was a serial killer. The man was knocking door to door, trying to get people to give him money, as he was in a bad way. Mr. Schrader, on the other hand, was well-off. When Mr. Schrader answered his door, Thomas Creech forced himself into the room and then used a pair of scissors to slash Mr. Schrader's throat and stab him multiple times. Mr. Creech pushed the body off to the side, out of view, and then took off in Mr. Schrader's El Camino.

Ms. Longhurst displayed a photograph of Thomas Creech's signature on a credit card receipt, for a credit card that belonged to Paul Schrader. Investigators knew Mr. Creech was using Mr. Schrader's credit cards, though he was ultimately acquitted of this crime. Afterwards, he told everyone in the Ada County Jail that he did kill Paul Schrader. One of Mr. Creech's autobiographies detailed Mr. Schrader's murder. Mr. Creech wrote that he immediately headed for Portland in Schrader's El Camino.

While incarcerated in Idaho, Thomas Creech confessed that while in the Oregon State Hospital after a suicide attempt, he earned a weekend pass, murdered someone in Sacramento, and then returned to the treatment center in Portland. Ms. Longhurst stated that this was an outlandish, doubtful story, but it turns out that he really did it. In November 1974, California law enforcement was contacted and notified that Mr. Creech confessed to the murder of Vivian Grant Robinson. Mr. Creech provided a diagram, method of murder, and other detailed information about the crime. California law enforcement was not even aware of Mr. Creech's existence until they got the call from Idaho, but they retested fingerprints found at the scene in Mr. Robinson's home and discovered that they did match Mr. Creech. Investigators also found that shortly after Mr. Creech killed Mr. Robinson, he called the treatment center from the victim's home telephone, to let them know he would be back a day late. The state of California had to wait for Idaho and other states to try Mr. Creech for his crimes there, but in September 1980, Mr. Creech was finally convicted of the murder of Vivian Grant Robinson.

In 1974, Thomas Creech got a job at St. Mark's Episcopal Church in Portland. Mr. Creech called his then-girlfriend, Linda, and asked her to come to the church and bring a rifle. Gene Hilby, who Linda lived with at the time, brought his rifle to the church. Mr. Creech came out and retrieved the rifle, went back into the church, came outside again, and told Mr. Hilby that he'd just killed a man and needed help hiding the body then a ride to the bus station.

William Joseph Dean was just a kid. He'd recently gotten married, and he was on his way to Alaska to work with his father. Thomas Creech shot William Joseph Dean in the chest with a high powered rifle at close range. After Mr. Creech and Mr. Hilby hid Mr. Dean's body in the church, they proceeded to the Greyhound bus station to raid Mr. Dean's locker.

William Joseph Dean's body was discovered days later, after staff noticed a foul smell coming from the sexton's quarters. They contacted police, and police contacted Gene Hilby, who admitted that Thomas Creech killed William Joseph Dean, and he helped him move the body. Mr. Hilby also told police that Mr. Creech told him about another murder, in Salem. Oregon authorities could not locate Mr. Creech until they received a phone call from Idaho. Portland investigators arrived in Idaho to talk to Mr. Creech the next day, and at that time, Thomas Creech confessed to the murder of William Joseph Dean, as well as the murder of a grocery store clerk in Salem.

Deputy Prosecutor Longhurst stated that these are not myths. This is reality.

After being convicted of the murder of William Joseph Dean, Thomas Creech wrote to the judge about the horrible conditions that he was facing while incarcerated. He asked for compassion and understanding, and he wrote that his situation was not justice. He was

not concerned about his victims or their families.

Two days after Thomas Creech killed William Joseph Dean, he entered a Circle K in Salem, where he found a grocery store clerk working, alone. Ms. Longhurst explained that the store clerk's father got her a job, as he was the regional manager, and that should have been a safe place for her, especially in broad daylight. Thomas Creech chased Sandra Jane Ramsamooj to the back of the store, shot her in the back, turned her around, shot her through her wrist and into her lungs, and then shot her pointblank in the abdomen, severing her intestines. Mr. Creech stole a whopping \$81.29 from the cash registers. Mr. Creech confessed to this crime on November 9, 1974.

Ms. Longhurst added that Bruce Robinson was not even a figment of Thomas Creech's imagination at this point. She stated that this is not a myth, this is a murder.

Ms. Longhurst explained that the Oregon prosecutor decided another conviction would not serve any justice, as Thomas Creech was already facing multiple life sentences, so the case was dismissed.

Deputy Prosecutor Longhurst stated that Thomas Creech got away with the murder of Sandra Jane Ramsamooj. He has devastated families, left holes in their lives. Now, per his interview with the Parole Hearing Investigator, he will not even admit it. He was sentenced to death because he is a serial killer with a propensity to commit murder.

Gordon Stanton was on his way to Montana, where he intended to help and care for his mother. Thomas Creech contacted Mr. Stanton and asked him for a ride. Mr. Stanton did not know he was letting a serial killer into his car, and he never made it home to his mother. His mother had no idea where he was or how to find him. Just a few years after Gordon Stanton was murdered, his mother passed away. While in jail, Thomas Creech confessed to this murder, and he told investigators where they would find the body. Mr. Stanton's body was found, after Mr. Creech told them exactly where it would be, but because he already had multiple holds on him by 1983, he was never prosecuted for this crime.

Deputy Prosecutor Longhurst stated that Thomas Creech got away with the murder of Gordon Stanton, and that is not a myth.

Rick McKenzie had recently arrived home in Baltimore and took a relative's vehicle without their permission, resulting in a warrant on him and the vehicle. While driving the stolen car, Mr. McKenzie picked up a hitchhiker, that he did not know was a serial killer. Thomas Creech walked Rick McKenzie into a ravine and shot him, so that he could take his vehicle and credit cards.

After Thomas Creech confessed to the murder of Rick McKenzie in November 1974, Idaho law enforcement contacted authorities in Wyoming, who then attempted to locate Mr. McKenzie's body. They made three attempts before they called Ada County back for help. They flew Thomas Creech out to the area, Thomas Creech told them where the body was, and Rick McKenzie's body was found within a day.

Ms. Longhurst stated that Mr. Creech did not kill Mr. McKenzie for some outlaw biker gang; he killed him because he wanted his vehicle and money. Mr. Creech was arrested when someone recognized the vehicle that Mr. McKenzie stole. Mr. Creech was also found in possession of eighty-eight receipts, which indicated he'd been using Mr. McKenzie's credit cards. Mr. Creech was charged for the murder of Mr. McKenzie, he did three days in a California jail, and then, he got away with another murder. At one point, there was a hold for Mr. Creech to be extradited to Wyoming, but it is unclear what ever happened to it. The vehicle was returned to its rightful owner, and the police held onto the credit card receipts.

Daniel Ashton Walker was shot and killed while sleeping in his van at a along Interstate 40. One version of events is that Thomas Creech's then-girlfriend, Carol Spaulding, entered a café for a Coke and a coffee, and when she came out, she told Tom that a man in the store was inappropriate with her. Thomas Creech previously reported that they went on their way, until their vehicle got stuck in the desert. He stated that a truck driver stopped and helped them, but shortly after that, they ran into the man that Carol pointed out at the store, so he decided to rob him. He pulled up behind the victim, pointed his shotgun through his window, and demanded his money. He then shot him with the shotgun three times at pointblank range. Unfortunately, Ms. Longhurst said, Daniel Ashton Walker's family was told that the case went cold, but it was recently reopened, and Thomas Creech was positively identified as the murderer. Ms. Longhurst stated that Thomas Creech committed this murder and confessed to it repeatedly.

Deputy Prosecutor Longhurst added that Thomas Creech has also gotten away with the murder of Daniel Ashton Walker. She stated that San Bernardino County sent them a letter stating that they will not try Thomas Creech for the murder, based on what is going on here in Idaho.

Daniel Ashton Walker's brother submitted a letter of concern, where he wrote that his 21-year-old brother was robbed of his adventurous life. He never got to build his boat and pursue his dream of sailing the world. He never had a chance to travel with his brother, never got to share a cold beer with him. He added that his brother's murder sent their father into an early grave.

Dwayne DiCicco, known by loved ones as Dago, had been in the military as a large equipment operator in Montana, until he disappeared in August 1974. Thomas Creech confessed to killing Dago and explained details of the crime to a room full of law enforcement officers. He stated that he kidnapped Dago, weighed him down, and threw him into a lake in Washington. He drew diagrams of where Mr. DiCicco's body could be found, but authorities were unable to locate him. Mr. DiCicco's mother, desperate to find her son, wrote letters to Thomas Creech, begging him for the diagrams and any other information that could help her find her son.

Dwayne DiCicco's body was never found, and Ms. Longhurst believes Thomas Creech knew his body would never be found when he confessed to this murder. However, Mr. Creech continued to write to Mr. DiCicco's mother, and Mr. DiCicco's mother went as far as putting money on Mr. Creech's books. Ms. Longhurst asked what kind of person kills someone's son and then uses the information to get money out of them. She added that, if we believe what Mr. Creech is claiming now, that he did not kill Dwayne DiCicco, then he took credit for the murder and bragged about it to the victim's own mother.

In 1979, Thomas Creech was transferred into Oregon DOC custody to be adjudicated for his crimes there. In 1980, he was moved to California for the same reason. Deputy Prosecutor Longhurst explained that, also in 1980, a huge riot broke out at the Idaho State Penitentiary. It was so big that it made the news, it lasted for days, authorities had to break into the facility. Thomas Creech was not in Idaho when this occurred, but he was convinced that when he returned, there would be another riot, where he would be killed. Inmates were moving from maximum security into general population at that time. He requested to be transferred to wherever he possibly could. He repeatedly told staff and other inmates that he would be killed in a riot if he stayed there.

IDOC did write to Oregon, expressing concerns that they did not have enough security to hold someone as dangerous as Thomas Creech. Oregon DOC did not want to keep him, stating that he was a violent and vengeful individual who showed no remorse, and they sent him back to Idaho after his adjudication. Mr. Creech was placed in general population, rather than where he felt safe on death row.

In January 1981, Mr. Creech repeatedly wrote to staff that he wanted to be put in isolation. He stated that he was not like the other inmates. He attacked a 20-year-old kid, sliced him in the abdomen, neck, and arm in a desperate attempt to be transferred. Mr. Creech got what he wanted, and he was transferred to Ada County Jail while prosecutors decided whether they wanted to prosecute him for the assault on the other inmate. Although there was substantial evidence, prosecutors decided there was not much that they could do, since Mr. Creech was already serving four life sentences anyway.

Ms. Longhurst stated that Thomas Creech assaulted Terry Downard because he wanted out, and he got what he wanted. Mr. Creech told a lieutenant where to find the weapon that he used, and later, he bluntly told an officer that he did it because Mr. Downard was an asshole and he wanted out of the penitentiary because he feared he'd be killed in the next riot.

After prosecutors decided not to pursue charges, Mr. Creech worried about going back to the penitentiary, and in an effort to stay out, he repeatedly said he would kill again. He stated that if Ohio would not take him, then they should put him in a hospital for the criminally insane. He repeatedly wrote letters to every authority that he could think of, begging them not to move him.

Three months before Thomas Creech murdered David Jensen, he wrote to Sherriff Palmer, "If I have to go back there, I will kill the first person that messes with me." Shortly after he killed David Jensen, he wrote to the Attorney General that he would kill again. He asked for the death penalty, instead of a life sentence, because he wanted to stay in the jail, instead of going back to prison. He wrote that last time, he told them that he would kill again, they didn't listen, and it costed a life.

David Jensen grew up with his father and stepbrother. His father was a biologist for Idaho Fish & Game, and his grandfather was the director of Fish & Game. He had a good life and upbringing, but when his mother passed away, it was a big hit on him, and he started getting into some trouble. As a teenager, he and some friends played a game of Russian roulette. He put the gun to his left nostril, pulled the trigger, and shot himself in the face. He was in severely critical condition; he severed his left optical nerve and was given a craniotomy. After that, he was essentially missing one third of his brain. He was in a coma for a substantial period of time, and he was diagnosed with an organic brain injury. When he finally woke up, he was unable to speak or walk, and he was experiencing grand mal seizures. He suffered a persistent disability to his right side, but eventually, he was able to walk with a cane. He wore a helmet to protect the rest of his brain, struggled with speech, and functioned at the level of a 12 to 14-year-old child, and none of that ever improved.

David Jensen underwent countless surgeries, and in 1977, he had a metal plate put in his skull. David Jensen talked about how difficult it was for him to function in society. He ended up in the state hospital, and he continued to experience seizures, as well as memory loss, vision impairment, a limp, and difficulties using his right arm. Staff would tell each other not to approach Mr. Jensen on his right side, because he will not be able to see you. He could not even hold a job as a dishwasher, and he was just marginally making it in society. He got into some more trouble, and he was sent on a 90-day Rider.

Thomas Creech knew that in order to get his way, he needed to do more harm than what he did to Terry Downard. Mr. Creech persuaded the warden to allow him an opportunity to work as the custodian of maximum security. Unlike others in maximum security who were only let out of their cells for an hour every day, Thomas Creech now had access to every inmate, all day long.

Deputy Prosecutor Longhurst explained that David Jensen was the weakest, most vulnerable person in that facility. She added that although he was put in maximum security, David Jensen was never classified. Staff described him as non-aggressive.

Ms. Longhurst reiterated that Thomas Creech wrote that he would do the same things until they listened to him, and that is exactly what he did. Mr. Creech initially volunteered to plead guilty, but instead, in 1982, he took the stand and claimed self-defense. The state never had a chance to present evidence, but this was absolutely not self-defense, and the story about Mr. Jensen being the aggressor was based solely on Mr. Creech's own testimony.

Deputy Prosecutor Longhurst reviewed different accounts of the murder of David Jensen. When David Jensen was given a chance to get out of his cell that day, Thomas Creech initiated a physical altercation and punched him. Mr. Jensen told Mr. Creech that he did not want any trouble, and he went back to his cell. Mr. Creech followed and attacked Mr. Jensen.

In assessing whether this was self-defense, Mr. Longhurst said, it should be noted that Mr. Creech not only began attacking Mr. Jensen from his back, but Mr. Creech retrieved his radio from his own cell, brought it to Mr. Jensen's cell, and turned it up to drown out the noise of the beating.

With a sock holding three batteries, Thomas Creech beat David Jensen so brutally that the batteries broke through the sock. After that, Mr. Creech began stomping on Mr. Jensen. Mr. Creech went back to his cell, cleaned himself up, and then returned to Mr. Jensen's cell to stomp him some more. Ms. Longhurst stated that Mr. Creech did not have one mark on him, and Mr. Jensen was laying, bleeding on the ground. Mr. Creech proceeded to tell everyone who would listen, to tell the officers that Jensen came after him. The other residents were forced to listen to Mr. Creech beating that kid to death, and they could not do anything about it.

Detectives interviewed one resident who discussed the radio, used to mask the sound of what Thomas Creech was doing to David Jensen. When he heard Mr. Creech going in again, he remembered thinking to himself, "God damn, he is beating that boy's brains out." Mr. Creech started out of Mr. Jensen's cell again, he said, but then, he heard the kid let out another groan, and Mr. Creech heard him, turned around, and started stomping him again.

Another young inmate reported that Jensen would never pick a fight. He also talked about Thomas Creech plugging the radio in and turning the volume up. Deputy Prosecutor Longhurst stated that that was premeditated murder, and Thomas Creech still, to this day, lies about it and claims he was attacked.

The other inmates reported that every time David Jensen gurgled and groaned, Creech went back into his cell, at least four or five times, to continue beating a kid that had been down from the start.

Ms. Longhurst explained that another inmate, who was housed in protective custody, was in a romantic relationship with Thomas Creech. Ms. Miller stated that when the warden let Tom become custodian, she was scared, because she knew Tom was up to something. Ms. Miller thought Mr. Creech was plotting to kill himself, but then, he started talking about killing a kid. Ms. Miller did not feel she could say anything because she was afraid, but she discussed it with him through writing, days before Mr. Creech attacked Mr. Jensen. Mr. Creech wrote that he would cut himself to make it look like self-defense, and that is exactly what he did.

Ms. Longhurst stated that Thomas Creech wanted isolation, and he did whatever he thought he had to do to get there.

Deputy Prosecutor Longhurst showed photographs of David Jensen's grievous injuries. She noted that Thomas Creech stomped the victim's metal plate in, causing a large depression in his head, and he continued to stomp him over and over again. Mr. Jensen suffered contusions, bruising on his brain. Ms. Longhurst stated that she has only seen one other contusion of the brain in her entire career.

Self-defense, Ms. Longhurst said, is part of the lie that Thomas Creech has been trying to tell them. Ms. Longhurst asked how Thomas Creech can claim he is remorseful if he cannot accept any wrongdoing. Mr. Creech did not care about the guards who were forced to come in and handle what he'd done. Mr. Creech stomped on Mr. Jensen's head with so much force that he crushed his skull. Mr. Jensen suffered bruising on the back of his neck, indicating that he was curling up and turning away from the beating.

Ms. Longhurst showed photographs of David Jensen's cell. There was a razor attached to a toothbrush and a large pool of blood on the floor, as well as blood covering the entire wall. Ms. Longhurst stated that this is what self-defense means for Thomas Creech. Mr. Jensen never had a chance of getting away or defending himself. Mr. Creech attacked him from behind. She stated that this is the scene that Mr. Creech left for the COs to clean up; that is how much he really cares about them.

Thomas Creech later stated that David Jensen was not much of a fighter to begin with, because he "had a fucked up arm and leg." Mr. Creech detailed "kicking him in the neck, all over." He told detectives that he continued to beat Mr. Jensen for 15 to 30 minutes. When asked if he thought Mr. Jensen was dead, Mr. Creech said no, "because he was blowing bubbles and shit." Mr. Creech was still more concerned about being transferred. Mr. Jensen was worth more than a ticket to isolation for him.

Ms. Longhurst added that in Thomas Creech's cell, officers discovered a sock that matched the one used with the batteries, and a toothbrush identical to the one attached to a razor blade, pictured in David Jensen's cell.

Deputy Prosecutor Longhurst concluded that Thomas Creech is a serial killer. He murdered David Jensen brutally and intentionally. Ms. Longhurst asked the Commission to not commute Thomas Creech's sentence, to let the death penalty stand.

12:58 p.m. – BREAK

2:32 p.m. – RESUME HEARING

2:33 p.m. – EXECUTIVE SESSION

2:39 p.m. – RESUME HEARING

Commissioner Questions

The Commission told Mr. Creech that they have reviewed a lot of material for this hearing, including police reports, criminal history, social history, psychological reports, institutional disciplinary reports, victim statements, letters of support, and more. The Commission commented that Mr. Creech's criminal history is ugly and concerning, and Mr. Creech agreed. Mr. Creech stated that he

is sorry for everything he's done, and he wishes he could go back and change it. He stated that he is responsible for what he did, he takes the blame, and no one made him do any of it. He added that that was a different person than who he is today.

The Commission asked subject how many murders he has actually committed, and he said he does not know. He stated that he got so mixed up with lying and telling law enforcement that he did things he didn't do. He explained that he started killing people in 1974, and he committed all of his murders in just a matter of months. He confirmed that there are five known victims for sure, for which he has been convicted of.

The Commission reviewed a DOR for violence, from 10/23/2022. The Commission read Mr. Creech's explanation of that situation, and a letter from the other resident involved. The Commission reviewed video footage of the incident. The Commission asked Mr. Creech what he has to say about it. Mr. Creech replied that they were playing Pinocle, and Azad Abdullah became irate because he thought the other two residents were shorting him and giving Mr. Creech better hands. Mr. Creech stated that Mr. Abdullah started coming back and forth, using aggressive language, and then, he threw the cards on the table.

Mr. Creech explained that at that point, he got up and asked Mr. Abdullah what he was so mad about. He believes he swung on Mr. Abdullah first, and then, Mr. Abdullah kicked him. He stated that he hit Abdullah with a shower shoe, Abdullah kicked him in the genitals and then the chest, and then, he fell down and hit his head on the wall, which "kind of knocked me out." Mr. Creech stated that he did not know it at the time, but he was suffering from an aortic abdominal aneurysm, which is why he was in such bad shape.

Mr. Creech answered that he'd already made the decision to never fight again, so it was especially disappointing when he and Abdullah, who is a friend of his, got into it. He stated that his daughter, Shelly, asked him to change his ways, because she's been waiting for him to come home since she was five years old. He never wanted to be like the other people there, the gang members and violent people who threaten the officers; he did not want to be who he was ever again.

Mr. Creech previously wrote that "I regret killing David Jensen more than anything I've done in my life." The Commission asked Mr. Creech if he does not regret the others, and he said no. He stated that he regrets everything. He explained that when he was served with his death warrant, he was taken to the death house, and that experience slapped him in the face with everything he has ever done wrong. He thought back to when he stole candy from the corner store as a child. He stated that it was an old, family owned country store, and they did not have much money. He realized even that hurt people, like the employees of the store. He said that made him want to change who he was.

The Commission read that Mr. Creech has great remorse for the crimes that he has committed. The Commission told Mr. Creech that they hear that word, "remorse" often, and it has almost lost its meaning. The Commission asked him what remorse means to him. Mr. Creech answered that remorse is heartfelt suffering for what you've done, for the people that you've hurt; you genuinely regret doing those things. He stated that he has thought about what he did to David Jensen more than anything, because they were friendly before he killed him. He said it is not that he does not care about his other victims, but he and David Jensen shared food, coffee, and talks about their daughters. He used to tell Mr. Jensen not to waste his life in prison, like he did, by getting wrapped up in all of the madness there.

The Commission asked subject about his physical health. He replied that he still has the aneurysm, and he had stents put on each side of it to keep him from bleeding. He stated that he suffers from arthritis, an umbilical hernia, degenerative bone disease, and bulging discs. He answered that his mental health is not as good as it was. He does take a psychiatric medication, for his depression and bipolar disorder. He stated that when he went to the death house and came back, he left a piece of himself in there. He said they would take him down there to practice executing him, and it showed him how precious life really is.

Mr. Creech stated that no one has the right to take anyone's life. He stated that his old self probably did deserve the death penalty, and maybe he still does, but he is asking for mercy today.

The Commission noted that subject murdered David Jensen to avoid being transferred. The Commission asked him if he sees a commutation changing his current status. He does not believe it would change much. He stated that the staff has asked him what he would prefer. He explained that at the main yard, he would probably be a target for many people, as a trophy. He is 73 years old, his health is bad, and he does not want to be put in the position where something bad could happen. He reiterated that he will never fight again, so if anything did happen, he would just let it happen. He added that he does think about how much it would hurt his wife, though. He believes he could stay in J Block, or he could move to medium security in G Block, where he could get a job. He stated that he is happy staying where he is now.

The Commission asked Mr. Creech why he believes they should recommend life without parole, instead of leaving the death penalty in place. Mr. Creech replied that he has something to offer to younger inmates, especially kids who are thinking of dropping out of gangs and turning their lives around. He stated that he sat and talked to one youngster just three days before he went back to gen pop. When he got back, he said, the youngster returned to the same gang that broke his leg just months prior, and then, they beat him to death.

The Commission asked Mr. Creech what he would say to those who believe he has shown no grace or mercy to his victims, so it should not be shown to him. Mr. Creech stated that the person he was did not deserve mercy, but that is not who he is anymore, and he has a lot to offer the world. He has built close relationships with staff and officers, and he tried to remind the other residents that the officers are not to blame for them being there, that they need to put that blame on themselves.

The Commission asked Mr. Creech how he has changed. He replied that he is not as impulsive as he used to be. He stated that

impulsivity was one of his main problems when he was younger. He said every time something would happen, he would think, "why me?" but today, he thinks, "why not me?"

The Commission asked Mr. Creech what he would like to say to the Jensen family. Mr. Creech stated that he would get on his hands and knees and pray for forgiveness. He stated that he talked to Mr. Jensen's girlfriend last night, as she came to the prison to visit him, for closure. He said he told her the same thing. He stated that if he could bring David back and take his place, he would.

The Commission read that during his interview with the Parole Hearing Investigator, in November 2023, Mr. Creech reported that his girlfriend, Ms. White, was brutally attacked by eleven people, and he killed nine of them. Mr. Creech responded that he did go after them but does not remember how many he killed. The Commission replied that that is not what he said in November 2023. Mr. Creech stated that he thinks he did get nine of them. He explained that there were two left; one of them lives in Oregon, and the other lives in Utah. He added that they wrote to him, to beg for his forgiveness, many years ago. He answered that that was probably around 1996. He confirmed that he demanded their addresses after they wrote to him. He stated that he did not mean it as a threat; he just asked for their addresses because they wrote him from a PO Box. The Commission asked him if he would have killed them in 1996, if he could have found them, and he said no.

The Commission asked Mr. Creech if they can settle on at least ten people, that he has killed. He said no. He stated that one of the men included in the prosecutor's presentation, he has never even heard of, and he did not kill Dago. The Commission replied that he is serving time for five murder convictions, and he just admitted to nine more, so he has killed at least fourteen people. The Commission asked him if fourteen victims is accurate then, and he said no.

The Commission reviewed a PSI, where subject stated, multiple times, that he wanted to die for his crimes, and he planned to advise the court of that when he was sentenced. The Commission asked him if he did advise the court of that, and he said yes. He stated that that is why he pled guilty, because he wanted to die.

The Commission asked Mr. Creech when he began to change his mind about wanting to die. Mr. Creech replied that he changed his mind when his daughter visited him and asked him to fight, not die. The Commission noted that he then chose to live, and now, he is in a fight for his life, and he agreed. The Commission asked him if he believes his victims would have chosen to live, and he said he thinks everyone would choose to live. He stated that that is why he feels so bad. He said his victims could have grown up to be anything, anyone.

Regarding the DOR from 2022, Mr. Creech answered that he did get angry at Mr. Abdullah, and he thinks he hit Mr. Abdullah with a shower shoe, as that is what he has been told. The Commission asked Mr. Creech how he is a positive influence and mentor if he gets angry just because someone threw some cards. Mr. Creech explained that Mr. Abdullah was threatening his family, verbally assaulting the three of them. He confirmed that he hit Mr. Abdullah after the verbal altercation began. The Commission noted that the other two men at that table were setting a better example than him in that situation, and he agreed. He added that after he fell, Mr. Abdullah was helping him and comforting him, and they made up as soon as he got back from the hospital.

Mr. Creech confirmed that he usually prefers being alone. The Commission told Mr. Creech that he may be moved to a larger population if his sentence is commuted, and they asked him how he would handle that. He replied that he wrote a poem, "I Will Fight No More Forever," and that is what he has chosen to live by.

The Commission expressed concern about the DOR from 2022.

The Commission told Mr. Creech that he was extremely fortunate to have this hearing at all. The Commission told him that this is his last chance to speak and asked him if he had anything to add. Mr. Creech thanked them for allowing him to come before them and say what he had to say. He is sorry something that he did brought all of us here today, and made the Commissioners the ones that must decide whether he lives or dies. He stated that he hates to put anyone in such a position, and he believes God Almighty is the only one that should be able to do that. He apologized to everyone in attendance, for bringing them here today.

Mr. Creech recited a poem that he wrote about going back and talking to his younger self, "Old Man and the Boy." "...and if I could go back and talk to the little boy that I was... I would tell him no matter what road you travel, sooner or later, you must pay your dues."

Federal Defenders Closing Statement

Chris Sanchez, attorney with the Federal Defenders of Idaho, stated that it is an honor to be next to Thomas Creech today, asking for their mercy. He added that Executive Director Ashley Dowell told both parties that this would not be a trial or litigation but instead, a hearing for mercy. Without a chance for mercy, he said, the world would be full of blood and cruelty.

Attorney reiterated that Thomas Creech is nothing like the man that he was in 1981. As we heard earlier, Mr. Sanchez said, his wife, LeAnn Creech said, "He is just a very caring, kind-hearted person. I just think he's actually the person that he was meant to be, to begin with. He explained that as a child, Tom had so much potential; Tom was clever, talented at music and writing. Unfortunately, there was violence in his home, he was kicked down a flight of stairs, there was the shooting on Christmas. All of this trauma came together to create the Tom Creech of 1981, which is who the prosecutor focused on today.

Mr. Sanchez stated that Thomas Creech was able to get back on track and begin to fulfill some of that little boy's potential. He is a kindhearted musician and poet, and a mentor and friend to many. He is so much closer to that potential today. He is no longer who

he was in 1981, or even 1991. There is no excuse for the harm that Mr. Creech caused, but he started on a path of redemption in the 1990s. Mr. Sanchez believes the best proof of this is the many amazing relationships that he has. He shows genuine interest in the wellbeing of others. He really listens because he really cares, which was evident when an officer's wife passed away, and Tom wrote a poem to express his condolences. Mr. Sanchez stated that there is a reason Director Reinke knew Tom was the right person to meet with Donna and Roger Boe, and today, Tom cares deeply about them and what is going on in their lives.

Thomas Creech has been a positive role model to other inmates. Regarding the altercation with Mr. Abdullah, Mr. Sanchez explained that Mr. Abdullah has a pattern of instigating fights, and he no longer lives on that tier because of it. Mr. Sanchez asked the Commission to refer to the prison's policies. Mr. Creech has been disciplined for the altercation with Abdullah, but he has not been taken away from other residents, because he does not pose a threat to them.

Mr. Sanchez noted the substantial support from IDOC staff. It is well-documented that Mr. Creech has been a model inmate for decades. Mr. Creech also has strong support in extremely unlikely areas, like the judge who sentenced him to death and one of the original prosecutors of this case. They do not believe Mr. Creech should be executed; they believe it would serve absolutely no purpose at this point.

Mr. Sanchez added that the prosecution were incorrect about a few facts of this case, and every fact that they presented was information from before 1981. He stated that the investigators of this case only knew Thomas Creech in the 70s and 80s. He believes the prosecution's request for execution is based on vengeance. He admitted that Mr. Creech's actions were appalling in 1981, but he is concerned about consideration of the myths. He stated that in the 3,000 pages of evidence submitted by the prosecutor, there is not one mention of Mr. Daniel Ashton Walker. He added that the Schrader case resulted in a solid jury acquittal, and that is not a basis to execute a man.

Attorney Sanchez clarified that they are not claiming self-defense in David Jensen's case, and they do believe Mr. Creech should be sentenced to life without the possibility of parole. Mr. Sanchez stated that the judge ruled that Creech did not instigate a fight with David Jensen, but that does not mean it was self-defense.

That day in 1981 was a terrible and unimaginable loss for David Jensen's family. Mr. Sanchez stressed that they are not making light of that, but the information coming from the prosecution has nothing to do with who Mr. Creech is now. Mr. Creech believes the only path toward forgiveness is seeking redemption and changing your ways. If executed, Mr. Creech would be stopped on his path toward redemption, before he can fully reconcile himself with God. If the Commission grants him mercy, then they will also grant mercy to his family, friends, fellow inmates, and IDOC staff. Mr. Sanchez concluded with a short video clip of Mr. Creech playing guitar and singing "Amazing Grace."

3:32 p.m. – BREAK

3:44 p.m. – RESUME HEARING

Ada County Prosecutor Closing Statement

Deputy Prosecutor Longhurst explained that they know Judge Robert Newhouse well, they like and respect him, and they now understand he does not support the death penalty for Thomas Creech, due to the passage of time. Apparently, Ms. Longhurst said, Judge Newhouse forgot about some of the worst details of this case, and she wishes she could forget about them, too. Ms. Longhurst asked if Mr. Creech's lawyers reminded Judge Newhouse of the violent incident in 2022, or the fact that Mr. Creech pled guilty for the murder of David Jensen but then took the stand to claim self-defense.

Ms. Longhurst reiterated that the judge ruled that Thomas Creech exhibited excessive violence, was beyond rehabilitation, kills almost on a whim with little regard of the consequences, and has a propensity for murder. The judge wrote that Thomas Creech's plea and death sentence will stand, that a sentence of death must be followed by an execution.

Prosecutor Jim Harris also supported the death penalty for Thomas Creech. On January 11, 2024, Ms. Longhurst said, they reviewed the same statements from Jim Harris, and they did not pick up on the implication that he no longer supports the death penalty. Ms. Longhurst added that she has been the prosecutor of Ada County for much longer than Mr. Harris was, and she is here in support of the death penalty today.

Deputy Prosecutor Longhurst explained that every time Thomas Creech chose to kill a person, he knew he could get caught and sentenced to life, or even death. He knew he was causing a vicious ripple of pain throughout his victim's families, as well as his own family. He has been convicted of murder five times. He has faced the death penalty before. This was no surprise to him. The only surprise is that it has taken this long to get to this point, but none of us can feel guilty when Thomas Creech is the one who brought us here.

Ms. Longhurst noted that some IDOC staff members reported that Mr. Creech was friendly to them. Ms. Longhurst stated that Mr. Creech may have been friendly to many people, but he still murdered an innocent kid. In 1974, Carol Spaulding told law enforcement that Tom was always nice to everybody that he met; she said he was even nice the guys he killed. Ms. Longhurst stated that Mr. Creech has always been a nice, charming sociopath.

Mr. Creech has professed Christianity for years; Mr. Creech played guitar and wrote letters, songs, and poetry in the 70s, too. Mr. Creech stabbed and injured a handful of other inmates, and he brutally murdered David Jensen. None of those positive traits kept

him from violence. He has still repeatedly chosen violence to get what he wants, such as being isolated from other inmates in 1981. He specifically threatened to kill if he did not get what he wanted in 1981. He wrote that he had nothing to lose, that nothing could be done to him because he was already serving four life sentences. He followed through with his threat and got what he wanted.

After he stomped David Jensen to death, Thomas Creech was perfectly nice and polite to the guards. Ms. Longhurst stated that Thomas Creech is able to be Dr. Jekyll and Mr. Hyde at the same time. She stated that Thomas Creech was not sentenced to death because he is friendly but because he is a psychopath.

Thomas Creech has been diagnosed with average intelligence and psychopathic traits, such as no remorse, no empathy, and being charming and likable. In 1974, Lieutenant Taylor reported that Thomas Creech was charming, likable, and personable, but without a doubt, one of the deadliest men that he has ever witnessed in his career.

Deputy Prosecutor Longhurst noted that Mr. Creech told PHI Maddox that he is comfortable on death row; Mr. Creech does not want the death sentence but wants to stay in maximum security. Ms. Longhurst stated that we have been in this situation before. Mr. Creech's two death sentences were commuted in 1973, he was put somewhere that he did not want to be, and he killed David Jensen because of it.

Mr. Creech claims he is remorseful, but just months ago, Mr. Creech told Mr. Maddox that he killed David Jensen in self-defense. Mr. Creech blamed Mr. Jensen for being murdered. When asked if he believes he deserves the death penalty, Mr. Creech said he did not know, because Jensen attacked him. During his interview with Mr. Maddox, Mr. Creech explained that the socks had their names written on them, and the sock that he used as a weapon was labeled "Garza." Ms. Longhurst displayed a photograph of the matching sock that was found in Mr. Creech's cell. The name on the sock is "Creech."

Ms. Longhurst stated that Thomas Creech has no remorse. She added that he does not seem to have much for the other murders that he committed, either. She reiterated that he killed David Jensen simply because he did not want a roommate, and he got what he wanted. She asked the Commission not to give him what he wants again, and not to let him get away with murder again.

Victim Statements

1. David Jensen's younger sister – Stated that she was the second child born, just under two years after David. David was her best friend, they were inseparable, he was the peanut butter to her jelly. They spent days knee deep in the creek, catching rainbow trout. David was happiest with a rifle or a fighting pole in his hands. He had an accident with a pistol, and he was not supposed to live, let alone walk again. He was left partially paralyzed with a plate implanted in his skull. He walked with a cane and had no balance; she could knock him over with a feather. He was a mentally and physically disable person who fell through the cracks of the system. He spent nine months staying with her, prior to his incarceration, and despite his obstacles, he had a productive future that was stolen from him. His daughter, grandson, father, mother, brother, sisters, nieces, and nephews were robbed of precious family events, holidays, births, and natural deaths. There has always been a "what if" lingering in their minds, about what he could have become, what could have been had, what love, laughter, and wisdom this generation missed out on.

Thomas Creech has lived his life on the path of his choosing. David has no such choice; his family did not have a choice. They have waited more than forty years for this, and whatever the Commission's ruling is today, justice will finally be served. David's story has finally been told. She thanked Jill and the others, for putting the pieces of this case together. She thanked the Commission for finally letting her, a victim, have her say. She stated that she is not here for vengeance, but for justice.

2. David Jensen's niece – Stated that the absence of Uncle David's beautiful soul, that she never had the privilege to meet, is a constant, aching void that has echoed through every gathering for the last four decades. It is an indescribable pain that lingers like a dark shadow. The absence of the wisdom and guidance that he could have provided is an injustice that echoes through every generation. Her burning desire for justice is not driven by vengeance, but to honor her uncle and his memory, and to ensure his life is not defined by the circumstances of his death. She sees David when she looks into her youngest child's eyes; they have the same smile and nose. David lives on through all of them.

Thomas Creech might have taken him away, but she is here to assert that Thomas Creech will not take away David's existence. Like Thomas Creech has haunted their family, she is here to haunt Mr. Creech. Mr. Creech has played guitar written poetry, visited with family, as they have continued to grieve and fight, year after year. Mr. Creech may have forgotten, but they have not. Every generation will continue to fight, until they finally see justice served by the state of Idaho.

3. David Jensen's niece (statement read by Victim Coordinator, Brittney Thorndyke) – Stated that Uncle David was murdered just four months before her birth, and she has carried the trauma ever since. David's murder and the effects of it have haunted and bled throughout their family, her childhood. Her cousin never got to know her father. They have been impacted by David's murder for forty years. Four generations, so far, have been burdened by the trauma and pain, and knowing no accountability or justice has ever followed through, they wonder if that day will ever come. Every time there is movement, their wounds are reopened. They have navigated the pain that Creech has created for forty-two years. They have helped each other heal from the fear, heartache, pain, despair, depression, strain, stress, dysfunction, addiction, anger, confusion, sadness, and hopelessness. They continue to grow, but they are very clearly still haunted by Thomas Creech, especially every time their wounds are reopened against in court.

Earlier generations knew David and hoped for a somewhat good life for him, until he was murdered, and they have never been able to lay this long and painful memory to rest. With every family gathering, they maneuver these pains, burdens, and truths about his murder. Many of these moments become sad and complicated, especially when sharing David's memory with the younger ones. They ask who Uncle David is, where he is, how he died, what murder is. As they grow into adolescence, the system, the community, themselves, they come back with even more difficult questions. They want to know why things happened, how they

happened, why the system failed, why David's murderer is still alive forty-two years after being sentenced to death, why they have continued to carry this trauma for so long. It just continues to unfold. They wish it would just finally be done.

The state of Idaho and Department of Corrections failed her uncle, instead of helping him find the care that he needed. He never should have been put in a maximum security prison, with the most dangerous murderers. He never should have been left alone with a murderer. He deserved so much better. She just wants to lay this horrific situation to rest.

4. David's daughter – Stated that David Dale Jensen was a handsome, kind, respectful, fun-loving young man. He adored his family and friends, especially his father and grandfather. He enjoyed hiking, fishing, hunting. He loved to feed his family by hunting and was very proud to do so. He was a gentle soul; he could easily get wildlife to eat from his hands. She has had to piece together everything that she knows about him. She was only four years old when he was murdered. Her father never saw her first day of kindergarten, her high school graduation, her wedding, the births of her children.

David was known for playing pranks on his mother and sisters. He was a typical boy who was always smiling in every photo, always willing to lend a helping hand. They are a family of good people—leaders, community board members, blue collar workers, military veterans, contributing members of society who are carrying a tragedy that they have been waiting, for forty-two years, for justice to be served. She has accomplished a lot, but she has always had to explain why she does not have a father. How unfair that Thomas Creech is still here, and her father is not. Her adult and juvenile children are still affected by this crime, and not knowing their grandfather.

Thomas Creech is worried about never writing another poem, worried his last meal won't be prepared to his liking, worried he won't see the sun or rain or snow again. Thomas Creech might miss the chance to interact with people that he cares about. He is worried about his future, that is based entirely on his own actions, that he chose. He wants them to ignore the consequences of his actions that have not only impacted her but multiple generations.

Sociopaths are charming and will mimic emotions and behaviors to gain the trust of people like Kathy Niecko and even his wife, LeAnn. Sociopaths usually come across as likable and pleasant, like Ted Bundy, Jeffrey Dahmer, and Richard Ramirez. The state allowed an inmate to hook up with a guard's mother, and she seems to be the only one thinking that is crazy. This behavior compromises the safety and security of the facility, and all of those who are employed and housed at IDOC. Going to bat for Thomas Creech causes a liability that Idaho cannot afford, and if you are willing to vouch for a man who has taken maybe forty, maybe thirty, or even ten lives, then she questions your sanity and where her tax dollars are going. If he kills again, then their blood will be on his supporters' hands. Thomas Creech clearly stated that if they put him back, then he will kill again, and there is still no doubt about it.

She stated that her family name ended with her father. She told Mr. Creech to stop making excuses for murdering her father and have some respect for him. Accept the justice that David and his family deserve. It is the result of Mr. Creech's own actions and decisions. She thanked the Commission for allowing them to speak on behalf of David Jensen, their family, and the other victims' families.

EXECUTIVE SESSION: 4:35 p.m.

RESUME HEARING: 5:10 p.m.

The Commission thanked everyone who participated in this hearing. The Commission elected to continue this hearing to January 29, 2024, at 8:30 a.m.

Commissioner Parker motioned to adjourn. Commissioner Kirkham seconded. All voted aye, and this hearing adjourned at 5:10 p.m.

Decision

Continue

Comment

Commission elected to continue this hearing on 1/29/2024.



STATE OF IDAHO
COMMISSION OF PARDONS AND PAROLE

Brad Little
Governor
Ashley Dowell
Executive Director

IN THE MATTER OF THOMAS EUGENE CREECH
PETITION FOR COMMUTATION
Ada County Case No. CR-FE-0000-10252

This matter came before the Commission on January 19, 2024, to consider the request by Mr. Creech to commute his imposed sentence of death to life without possibility of parole. Mr. Creech was convicted of one (1) count of Murder I in 1982 for the murder of David Dale Jensen.

The Commission received an investigation packet completed by Commission staff prior to the hearing. The investigation packet included an interview with Mr. Creech, the presentence investigation report, psychological and risk assessments, information related to Mr. Creech’s behavior while in prison, victim statements, and information submitted by the attorneys for Mr. Creech and by the Ada County Prosecutor’s office. During the hearing, the Commission listened to in-person statements from four (4) supporters of Mr. Creech and five (5) representatives of the victim’s family. Mr. Creech’s attorneys and attorneys with the Ada County Prosecutor’s also presented in support of or against commutation.

DECISION TO DENY COMMUTATION

At the conclusion of the hearing, the Commissioners deliberated in executive session. On January 19, 2024, the Commissioners voted three (3) for commutation and three (3) against commutation. The commutation petition of Thomas Eugene Creech is hereby denied.

VOTES TO RECOMMEND COMMUTATION

Three Commissioners voted to recommend Governor Little grant the commutation of Thomas Eugene Creech’s death sentence in Ada County Case No. CR-FE-0000-10252 to life in prison without the possibility of parole. This decision was not based on any doubt or question about Mr. Creech’s guilt or the horrific nature of his crime. The Commissioners do not believe Mr. Creech is worthy of mercy, but that the discretion of the Commission allows for grace to be given even when undeserved. While the Commissioners noted a possibility that Mr. Creech has changed in the years since his crime and considered his current age and health, this decision was not based on the actions and conduct of Mr. Creech. The Commissioner’s decision to recommend a commutation was based on the time that has elapsed since Mr. Creech committed this horrific crime. In addition, the Commissioners were influenced by commentary from Judge Newhouse, the sentencing judge, and former Ada County deputy prosecutor Mr. Jim Harris, who no longer believe that a sentence of death is appropriate for Mr. Creech’s conviction. Finally, the change in law requiring that a death sentence be decided by a jury rather than a judge also influenced the recommendation to commute Mr. Creech’s sentence to life in prison without parole. The Commissioners expressed concern for the family of David Dale Jensen and their continued pain from this crime.

COMMISSIONER

January 29, 2024

DATE

COMMISSIONER

January 29, 2024

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COMMISSIONER


January 29, 2024

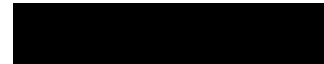
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VOTES TO DENY COMMUTATION

Three members of the Commission voted to deny the commutation of Thomas Eugene Creech’s death sentence in Ada County Case No. 10252 to life in prison without the possibility of parole. We do not believe Mr. Creech is worthy of grace or mercy. This decision was based on the coldblooded nature of David Dale Jensen’s murder and the sheer number of victims that Mr. Creech has created over his lifetime, which shows that he does not place value on human life, other than his own. Mr. Creech was not interested in telling the truth about his additional crimes and violent history and was reluctant and unwilling to completely disclose the number of people he has killed. Further, the Commission believes that Mr. Creech is not capable of true remorse and would take another life if it benefitted him. He has shown he can still manipulate others to get what he wants. The Commission believes that the Jensen family would not receive justice if Mr. Creech received clemency, and above all else that they deserve closure in this case. If the Commission cannot uphold the death penalty in this case, then the death penalty means nothing in the state of Idaho.



COMMISSIONER


COMMISSIONER


COMMISSIONER

January 29, 2024

DATE
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January 29, 2024

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