

STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NO. 15-88

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OF MONTANA

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EXECUTIVE ORDER GRANTING  
REPRIEVE OR RESPITE

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WHEREAS, on February 19, 1985, David Cameron Keith pleaded guilty to aggravated kidnapping in Lake County District Court Cause No. 84-14,

WHEREAS, on April 10, 1985, David Cameron Keith was sentenced to death on the above-referenced aggravated kidnapping charge,

WHEREAS, on September 19, 1988, the district court set December 1, 1988 as the date of execution on the aggravated kidnapping charge,

WHEREAS, on November 22, 1988, David Cameron Keith applied for a commutation of his death sentence,

WHEREAS, the Board of Pardons is the agency given by law the authority and duty, in proper cases, to investigate and report to the Governor on all cases of executive clemency,

WHEREAS, under the Constitution and laws of the State of Montana, I have authority to grant a commutation, but only after an affirmative recommendation of the Board of Pardons,

WHEREAS, on November 23, 1988, the Board of Pardons voted to hold a hearing on the petition for executive clemency and set the hearing for December 19, 1988, and, by so voting, determined that this is a proper case for further investigation,

WHEREAS, the Board of Pardons has requested that I grant a respite or reprieve to allow it adequate time to conduct a full investigation with public notice and hearing,

WHEREAS, the Board cannot conduct a full investigation with public notice and hearing cannot occur unless the December 1, 1988 execution date is postponed by court order staying the execution or respite by the Governor,

WHEREAS, as of the present date, no judicial appeal is pending and there is no judicial stay of execution in effect,

WHEREAS, the grant of a respite or reprieve is therefore necessary to allow full Board investigation of the application for commutation, public notice and hearing, and adequate time for my consideration,

WHEREAS, the Board of Pardons has indicated that it will make a recommendation regarding the application for commutation on or before December 23, 1988,

WHEREAS, in case of a Board recommendation of clemency, I would need until December 30, 1988 to review the files, transcript, and recommendation of the Board, and make a decision to grant or deny the application for commutation,

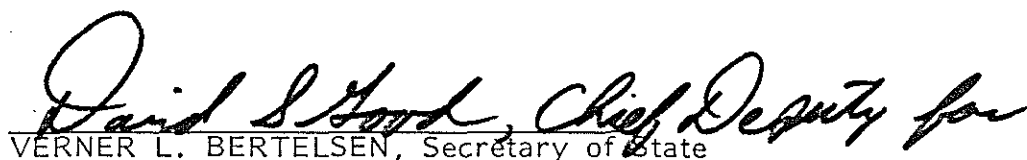
WHEREAS, the Warden of the Montana State Prison has indicated that he would need approximately 20 days after a negative decision on the petition for commutation to prepare for an execution,

NOW, THEREFORE, I, TED SCHWINDEN, pursuant to the authority vested in me as Governor by the Constitution and statutes of the State of Montana, specifically Article VI, Section 12 and 46-23-315, MCA, do hereby order that the execution of David Cameron Keith, ordered by the District Court of the Twentieth Judicial District, in and for Lake County in Cause No. DC 84-14 to be held on December 1, 1988, is respited until 12:01 a.m. on January 20, 1989 and David Cameron Keith is granted a reprieve until 12:01 a.m. on January 20, 1989. This order in no manner affects the judgment, sentence, orders of the court, or death warrant in the above-referenced cause except as to the date of execution of the death sentence.

GIVEN under my hand and GREAT SEAL OF THE STATE OF MONTANA, this 29th day of November, in the year of our LORD, One Thousand Nine Hundred and Eighty-Eight.

  
TED SCHWINDEN, Governor

ATTEST:

  
VERNER L. BERTELSEN, Secretary of State