

Terry Lenamon on the Death Penalty

Sidebar with a Board Certified Expert Criminal Trial Attorney



Terence M. Lenamon is a Florida Bar certified expert in the area of criminal trial law. With over 17 years experience he has built a reputation as one of Florida's most respected criminal defense lawyers. His defense has been sought by many high-profile clients and has led him through 20 first-degree murder trials and eight death penalty cases. That experience has brought him national recognition as a go-to commentator on death penalty issues. He is the force behind both deathpenaltyblog.com and Florida Capital Resource Center (floridacapitalresourcecenter.org), and can be reached at terry@lenamonlaw.com.

Hank Skinner Victory: US Supreme Court Rules Civil Rights Law Can Be Used in Death Row DNA Testing

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Move over, habeas corpus. The United States Supreme Court has ruled ([read the full opinion here](#)) that **Texas Death Row inmate Hank Skinner** can indeed pursue a civil lawsuit brought under **federal civil rights law** as he tries to get certain evidence tested for DNA now, long after his criminal trial where he was found guilty and sentenced to death.

For details on Hank Skinner's underlying criminal conviction, please read [our prior post giving the details](#) as well as checking out the [post where Skinner is on video](#), discussing his situation.

The State of Texas as well as many others in the criminal law community, were arguing that Skinner could not advance a claim in civil courts because the law surrounding habeas corpus prevented him from doing so. In sum, they said, Skinner was seeking his freedom and accordingly, he had to file a **petition for writ of habeas corpus**. The civil rights arguments, in a civil courtroom and not a criminal one, were not available to him, or anyone else.

Wrong, the Supreme Court said today.

The opinion today makes it the law of the land that a Death Row inmate who is seeking to test evidence for DNA that "... may prove exculpatory, inculpatory or inconclusive." will be allowed to do so because this is within his civil rights.

Already, **the next question is being asked: who else can this opinion help?**

Death Row inmates and their lawyers must now consider the possibility that the Skinner decision will help them, as well.

This is a major victory for those interested in justice, and particularly for those who understand the weaknesses of the indigent defense death penalty trials in this country. Our sincerest congratulations to attorney **Law Professor Robert Owen of the University of Texas' Capital Punishment Center** who represented Hank Skinner before the High Court.