

# 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](http://deathpenaltyblog.com) and Florida Capital Resource Center ([floridacapitalresourcecenter.org](http://floridacapitalresourcecenter.org)), and can be reached at [terry@lenamonlaw.com](mailto:terry@lenamonlaw.com).

## Lawyers Cannot Afford to Take Death Row Appeals in California

POSTED ON NOVEMBER 27, 2010 BY **TERRY LENAMON**

Today, **Maura Dolan** of the Los Angeles Times provides excellent reporting of the indigent defense crisis as it impacts death penalty appeals in California. [Read the article, "Lack of funding builds death row logjam,"](#) in its entirety here.

It's a topic that gets covered periodically by the national media: a cruel reality that needs so much more public acknowledgement and awareness. For example, in 2001, the [New York Times covered a similar crisis in Alabama](#); in 2004, the [Washington Post did a story about Robin Maher's attempts to bring attention to the matter via the American Bar Association's Death Penalty Representation Project](#). However, from our research, most of the discussion of this issue comes not from the main stream media, but from bloggers and non-profit efforts, and the LA Times coverage by Ms. Dolan is most welcome.

### There's Not Enough Money to Pay Defense Lawyers to Represent Convicted Death Row Inmates

As the LA Times article describes, the problem for those setting on Death Row isn't that they may or may not have legitimate legal appeals to advance in either state or federal courts, but the reality that there isn't any money available to pay attorneys to do the work.

A death penalty case is complicated enough at trial: to appeal one of these cases means going through every detail of the particular matter – from investigation through the sentence of death at the conclusion of the penalty phase. It's a time-consuming process to accumulate and digest all the facts. It's even more time-intensive to take that factual analysis and apply state and federal law, to determine if substantive legal error has occurred.

### **The Emotional Toll Isn't Even a Financial Consideration at this Point, but It's Real**

Another **excellent point made by this reporting is the LA Times discussion** of how defense attorneys face an emotional drain from undertaking the representation of death row inmates. It is an tremendous challenge to represent defendants at the trial level, when they are facing the possibility of death. It's another type of psychological challenge to represent these people when they've already been sentenced to die.

They will be executed unless the appellate process (or technically, clemency) intervenes. It's a grueling, cold reality that every death row appellate lawyer must accept – and live with for the rest of their days.

### **Another Example of the Real and Growing Indigent Defense Crisis in The United States Today**

In California, there is a wait of over a decade (approximately 12 years) for an attorney willing to take on the death row appeal of many inmates. Yet one more example of the indigent defense crisis in this country for death penalty cases -- the emperor without clothes that this blog, and others, keep pointing out as something that must change. Thanks to the LA Times.