

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.

Cost of Death Penalty At Appellate Level Gets Some Ohio Media Coverage: The More We Talk Money, The Better

POSTED ON NOVEMBER 23, 2010 BY TERRY LENAMON

WBNS-TV in Ohio is reporting this week on a topic that we periodically delve into: the reality of the death penalty appeals process, and how expensive this is in both time and money. Good. The fact that not enough money exists for effective death penalty defense at the trial level, and how this directly correlates to a more expensive appeals process -- well, more discussion on that truth would be welcome. At least we're seeing a start down that path.

Focusing upon the 26-year appellate journey of one case, the news story first discusses the details of Ohio Death Row's David Stumpf's case. Stumpf was convicted and sentenced to death for the murder of Mary Jane Norman over a quarter of a century ago, and he's still in the appellate process.

The coverage doesn't end there, however; [the investigative report also discusses the federal death row appellate docket of the United States Court of Appeals for the Sixth Circuit.](#)

Surprising to no one, their recognition is this: it costs everyone involve a tremendous amount of time and money not just to

try a death penalty case (as it goes through the two phases, guilt and penalty), but also to insure that the State is not seeking to execute an innocent man, or that the State is attempting to kill someone in violation of federal or state law. That's the reason for these appeals. It can, and should, be rare that the government kills a citizen -- and the appellate process is a vital protection to us all.

Richard Dieter of the Death Penalty Information Center has written a paper discussing this subject, and includes the following data regarding costs (emphasis added):

In Texas, a death penalty case costs taxpayers an **average of \$2.3 million**, about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years.

In Florida, each execution is **costing the state \$3.2 million**.

In financially strapped California, one report estimated that the **state could save \$90 million each year** by abolishing capital punishment.

The New York Department of Correctional Services estimated that implementing the death penalty would cost the state about \$118 million annually.

...The California Supreme Court, for example, **spends more than half its time reviewing death cases**.

The Florida Supreme Court **also spends about half its time on death penalty cases**.

Many governors **spend a significant percentage of their time reviewing clemency petitions** and more will face this task as executions spread. As John Dixon, Chief Justice (Retired) of the Louisiana Supreme Court, said: "The people have a constitutional right to the death penalty and we'll do our best to make it work rationally. But you can see what it's doing. Capital punishment is

destroying the system.”

Once again, it may well be that money will be the reason that more and more focus is placed upon capital punishment in this country -- and this is a welcomed perspective. The reality remains that there is a financial crisis in this land regarding providing competent defense to death penalty defendants at the trial level, and this obviously dominoes into a more expensive appellate process. The more that everyone starts talking money and the death penalty, the better.