

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.

A Tale of Two Attorneys: How Kemar Johnston's Life Was Saved

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When the court appointed attorney **David Brenner** on a murder case, he knew it was going to be the fight of a lifetime. Just how bad the case was quickly became apparent as details emerged.

The client, **Kemar Johnston**, allegedly masterminded the premeditated torture and murder of two young men at Kemar's birthday party. One of the victims was a 14 year old boy.

Numerous partygoers witnessed the crime. Nine other codefendants participated, supposedly under Kemar's direction. Veteran state prosecutors asked for the *death penalty*, but the local press and public had already tried and executed his client.

From Fort Myers, David Brenner Reaches Out to Miami's Terry Lenamon

David Brenner, a successful and highly skilled criminal attorney, quickly realized that he needed to find a second co-counsel, a death penalty qualified attorney, for Kemar. In Florida, two attorneys are required for a death penalty case because there are essentially two trials if the defendant is found guilty.

The first trial determines guilt, and the second proceeding determines the punishment – life imprisonment or death. One attorney handles the guilt portion, and if they lose, the second phase attorney must step in and take over the critical task of saving the client's life. David Brenner was not only well-connected locally in Fort Myers, but also across the state.

He quickly located and reached out to a prominent death penalty lawyer in Miami, Terry Lenamon. David convinced **Terry Lenamon** to come on board, and they set to work on the case – a case that would last for over a year and would not only test their legal skills, but their nascent friendship as well.

Cohesion in the Kemar Johnston Trial - Guilt Phase and Penalty Phase

Dave and Terry had never worked together before, but both attorneys knew it was critical that the first phase defense and the penalty phase defense be cohesive and not contradictory. David had already been working closely with Kemar and knew him the better. As a result, David and Terry decided that Terry should handle the guilt phase, and that David would handle the critical sentencing phase, if it should come to that.

The Hotel Indigo

David's and Terry's work began in earnest. David's Fort Myers office became the base of operations. Terry spent weeks away from his home at the Hotel Indigo, located next to David's office. As the case progressed, the office and the hotel room became piled with pictures, boxes, and walls plastered with sticky sheets of paper.

The White Board

As a constant reminder of the case, David mounted a large 8 foot whiteboard on the wall directly facing his desk. On that board, he placed pictures of all the suspects, codefendants, and Kemar. As each of these people went to trial, took a plea, or were not charged, he stamped their sentence or the words "Not Charged" across their picture.

Two Attorneys and Tons of Work

The two attorneys spent long hours and longer weeks poring over the discovery. They hired experts and investigators. They read thousands of pages of police reports, autopsy reports, crime scene reports, and witness statements. Photographs were enlarged and examined with magnifying glasses. Case law was reviewed and re-reviewed. Motions were drafted and re-drafted.

They formulated trial strategies, critiqued them to shreds, and reformulated them again. In the weeks immediately before the trial, both men put their families and personal lives on hold to devote themselves to Kemar's defense.

Two Lawyers with Unbending Wills and an Insatiable Drive to Win

Good criminal defense requires a strong unbending will and an insatiable drive to win. Both David and Terry possessed these traits in abundance. Neither fully appreciated how different their work styles were or how different their approaches might be. So as the weeks stretched on, so did the tempers of the two men stretch as well.

The long exhausting hours exacerbated their style differences. The two attorneys knew their relative strengths, but often found themselves in heated discussions over strategy as well as tactics. When the exchanges became too heated, they both were wise enough to cool off before tackling the issue again. Kemar's picture and the faces on the white board constantly reminded them of the high stakes.

Out of the Crucible, a Defense was Forged.

Out of the crucible of those professional differences, David and Terry forged a defense and a penalty phase that saved **Kemar Johnston's** life. All the local townspeople and media were sure that Kemar would be sentenced to die. The trial would be a mere formality. When the jury's sentencing recommendation came back, a surprised media reported that the jury voted life, not death, for Kemar.

A Life was Saved

It took two attorneys to put aside their differences and come together when it mattered most - two attorneys whose professionalism transcended their personal styles - to save a client's life and see that justice was done.