

# 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).

## Today, State Prosecutors Took Death Penalty Off the Table in Orlando's Jason Rodriguez Case

Posted on May 21, 2010 by [Terry Lenamon](#)

The [decision made by the State of Florida attorneys today is making national news](#): prosecutors have decided that they will not seek the death penalty in their prosecution of Jason Rodriguez.

Mr. Rodriguez is accused of shooting several people in an Orlando office building last November, killing one person and wounding five others. Jason Rodriguez is said to have [returned to a place where he used to work, a Florida engineering firm, and to have opened fire](#) on his former colleagues.

Why did the State of Florida decide not to seek the death penalty? They are only required to file a short notice and today's case is no exception: a one page notice was placed in the public record.

However, within that one page notice was key language: "Due to the consideration of the facts and law applicable to this case, it is not in the best interest of the people of the state of Florida to pursue the death penalty."

*So, what's the real story?*

Looks like the mitigators were so obvious that under Florida law capital punishment would not be a viable alternative. They weren't going to get it anyway, so they'll take it off the table now. Notice filed.

*History of Mental Illness*

Right now, Mr. Rodriguez is being held not in a jail, but in a mental hospital. Several months ago, he was already adjudicated incompetent to stand trial. [Police investigations](#) have revealed that he was deteriorating mentally for over two years before the incident.

After he was found incompetent, [the mental health experts were left to](#)

[their task of trying to work with their patient](#), in an effort to treat his mental conditions (whatever they are) so that Mr. Rodriguez could be found competent to be tried.

The experts' report on the mental health status of Jason Rodriguez was completed and filed earlier this week. While it's not online yet, looks pretty clear [that whatever in that report was serious enough for the prosecution to take capital punishment off the table](#).

Mental illness is a [mitigating factor](#) in Florida. The United States Supreme Court has clearly held that those who suffer mental illness cannot be put to death as punishment for their crimes, because this constitutes cruel and unusual punishment. *Ford v. Wainwright*, 477 U.S. 399 (US 1986).

For a Death Penalty attorney, this is good news. The State isn't going to try and kill someone who's damaged - and [we may all learn more about the "why" behind this tragedy, eventually](#).

Of course, there will be a lot of [media coverage](#) because lots of people will be upset that the Orlando Office Shooting Spree didn't end up in a death penalty trial. Perhaps if they were to dig into the background information, they would be more understanding and compassionate.