

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.

Florida Capital Resource Center's First Amicus Brief – Victory Allows Mitigation Specialist in Death Penalty Case

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As the **Florida Capital Resource Center** grows, stories like this will become more commonplace – but today, it's a major victory we're celebrating since the First District Court of Appeals has ruled in favor of allowing additional mitigation expertise in a pending prosecution where the death penalty is being sought.

As Terry puts it, "Our first Amicus filed on behalf of those working courageously to represent death qualified defendants in Florida! Congrats to Rick Sichta (defendant's trial counsel)!" (As the founder of FCRC, Terry is understandably proud and excited about this result.)

For those interested in reading the full opinion, we've included it as a site download. Meanwhile, here's the gist of things, from the court itself:

"Criminal Specialist Investigations, Inc., Petitioner, seeks a writ of certiorari quashing the trial court's order denying a motion for additional mitigation coordinator fees in a capital case. Petitioner argues that the trial court failed to undertake the appropriate consideration of the reasonableness and necessity of the costs at issue with respect to

this particular case. We agree. Accordingly, we grant the petition, quash the order under review, and remand this case for further proceedings.

The trial court appointed Rosalie Bolin as the mitigation coordinator in the case of Tajuane Dubose, who was charged with first-degree murder and shooting or throwing deadly missiles. Dubose was eligible for the death penalty, and his private court-appointed counsel hired Bolin to assist in the preparation for the penalty phase of his case, which the trial judge found was one of the most unusual and extraordinary cases he had presided over. Over the course of the case, the trial court approved several motions for mitigation coordinator fees. After the penalty phase was complete, and Dubose had been sentenced to life imprisonment, defense counsel filed an Amended Fourth and Final Ex-Parte Motion for Authorization to Incur Additional Mitigation Coordinator Fees. In the amended motion, defense counsel opined that the favorable verdict of life imprisonment was due largely to Bolin's work on the case. He described Bolin's role as "instrumental" and provided some detail about her work. Additionally, an itemized bill was attached to the motion, and counsel alleged that the Justice Administrative Commission ("JAC") had no objection to the payment of the fees requested.

At a hearing where the motion was discussed, the trial judge opined that Florida law did not recognize any such position as that of a mitigation coordinator. The judge also opined that Bolin had already been paid too much and that the overpayment of mitigation coordinators was becoming a trend in capital cases."