

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.

Indigent Defense Crisis in Texas: California Public Defender Tapped to Head New “Office of Capital Writs”

Posted on July 9, 2010 by [Terry Lenamon](#)

California attorney **Brad Levenson**, a federal public defender, was revealed this week to be the new head of a brand new agency over in Texas: the Office of Capital Writs. Levenson starts work on September 1st.

Texas' Office of Capital Writs is an Attempt to Solve the Indigent Defense Crisis - In Part

In 2009, the Texas Legislature created (and by that we mean, of course, set aside money in the budget) for the Office of Capital Writs after things became obvious that the indigent defense being provided appealing defendants convicted of capital crimes was ludicrous.

[Studies](#) were done. Newspapers like the *Dallas Morning News* regularly reported on the horrors of death penalty indigent defense in Texas today. The Texas Legislature reacted.

Light was shed on some pretty shocking scenarios: death penalty defendants with appellate lawyers having no death penalty defense experience; some having attorneys who had walked away from the appeal/appointment; others having appellate counsel who had died and were never replaced with a new court appointment. Appalling in any state, but especially in Texas where capital punishment is so favored.

The Office of Capital Writs Replaces Court Appointed Appeals Counsel in Death Penalty Cases

Starting this fall, Brad Levenson will be responsible for representing Texas Death Row appellants in state habeas corpus appeals. [Proponents argue](#) that this solution will not only provide a higher quality of appellate counsel for those setting on Death Row, but it will cost about the same.

[Believers](#) are also arguing that Texas' OCW will result in lower caseloads and higher accountability in indigent capital defense appeals.

This Should Be Interesting

One wonders how a man with federal experience in another state -- especially California, whose liberal approach to the death penalty in its precedent is almost in direct contrast to the perspective given capital punishment in Texas courts -- was determined to be the best fit for this new job. Interesting.

Also, there's the idea of costs. One of the core problems with indigent defense is a lack of funds. The reason behind those court appointments being downright embarrassing for the State of Texas is the reality that there wasn't enough funding to pay more experienced or higher quality private appellate attorneys sufficiently to take those Death Penalty appeals.

It's a core problem across this country - [money for indigent defense](#). So, while we all support this new tactic to provide decent appellate representation to defendants who set on Texas Death Row, it's going to be interesting to watch how the Texas Office of Capital Writs will be doing in the next few years.

Best of luck to Mr. Levenson. We will watch and pray.