

# 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).

## [U.S. Supreme Court Sets Oral Argument in Three Death Penalty Cases: Thompson, Skinner, Pinholster](#)

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In just a few weeks the new term for the **U.S. Supreme Court** will begin, and the High Court has already [scheduled oral arguments](#) in three pending death penalty-related cases: *Connick v. Thompson*, *Skinner v. Switzer*, and *Cullen v. Pinholster*.

1. [Connick v. Thompson](#) comes out of Louisiana. On *October 6, 2010*, argument will be heard in part on a \$14,000,000 award granted to Mr. John Thompson, finally acquitted of charges for which he had been previously sentenced to death. Argument will hinge on whether or not the impact of the award exposes prosecutors to vicarious liability in areas of prosecutorial misconduct.

*Question Presented:* "Whether failure-to-train liability may be imposed on a district attorney's office for a prosecutor's deliberate violation of *Brady v. Maryland*, 373 U.S. 83 (1963), despite no history of similar violations in the office." [Go here to read the briefs on file by the parties and the amicus curiae briefing \(all in full text\).](#)

2. [Skinner v. Switzer](#) is a Texas case that will be heard on October 13, 2010. Hank Skinner's case has become somewhat famous at this point -- as Mr. Skinner sets on Texas' death row, he is taking his fight to prove innocence into the *civil* courts (and out of the criminal system), asserting that he has a right to DNA testing as part of his constitutional civil rights.

*Question presented:* "May a convicted prisoner seeking access to biological evidence for DNA testing assert that claim in a civil rights action under 42 U.S.C. § 1983, or is such a claim cognizable only in a petition for writ of habeas corpus?" [Go here to read the briefs on file by the parties and the amicus curiae briefing \(all in full text\).](#)

3. [Cullen v. Pinholster](#) will be held on November 9, 2010. This California case delves into the issue of ineffective assistance of counsel in this mental illness case, and the U.S. Court of Appeals for the Ninth Circuit has already overturned Mr. Pinholster's death penalty sentence on the failure of his trial counsel to present mitigating evidence of Pin-

holster's mental health.

*Questions Presented:* “1. Whether a federal court may reject a state court adjudication of a petitioner's claim as “unreasonable” under 28 U.S.C. § 2254, and grant habeas corpus relief, based on a factual predicate for the claim that the petitioner could have presented to the state court but did not.

“2. Whether a federal court may grant relief under 28 U.S.C. § 2254 on a claim that trial counsel in a capital case ineffectively failed to produce mitigating evidence of organic brain damage and a difficult childhood because counsel, who consulted with a psychiatrist who disclaimed any such diagnosis, as well as with the defendant and his mother, did not seek out a different psychiatrist and different family members.” [Go here to read the briefs filed by the parties and amicus curiae filings \(all in full text.\)](#)