

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.

[Ohio Governor Stops Execution of Death Row Inmate Kevin Keith: Is This The Answer for Troy Davis?](#)

Posted on September 3, 2010 by [Terry Lenamon](#)

Yesterday, [Ohio Governor Ted Strickland used his executive power of clemency](#) and stopped the execution of Ohio Death Row inmate Kevin Keith. In his statement, Governor Strickland states (read it in full [here](#)) (emphasis added):

*Yet, despite the evidence supporting his guilt and the substantial legal review of Mr. Keith's conviction, many legitimate questions have been raised regarding the evidence in support of the conviction and the investigation which led to it. In particular, Mr. Keith's **conviction relied upon the linking of certain eyewitness testimony with certain forensic evidence about which important questions have been raised.** I also find the absence of a full investigation of other credible suspects troubling.*

*Clearly, the careful exercise of a governor's executive clemency authority is appropriate in a case like this one, **given the real and unanswered questions surrounding the murders for which Mr. Keith was convicted.** Mr. Keith still has appellate legal proceedings pending which, in theory, could ultimately result in his conviction being overturned altogether. **But the pending legal proceedings may never result in a full reexamination of his case, including an investigation of alternate suspects, by law enforcement authorities and/or the courts. That would be unfortunate--this case is clearly one in which a full, fair analysis of all of the unanswered questions should be considered by a court. Under these circumstances, I cannot allow Mr. Keith to be executed.** I have decided, at this time, to commute Mr. Keith's sentence to life in prison without the possibility of parole. Should further evidence justify my doing so, I am prepared to review this matter again for possible further action.*

Now, Governor Strickland has been [quoted in the press](#) as opining that he personally believes that Kevin Keith is probably guilty for the crimes for which he has been convicted. Still, Governor Strickland has found

that justice is best served by an attitude of better safe than sorry when a man's life is on the line.

Governor Strickland Demonstrated Bravery in His Clemency Decision

His action yesterday took courage - he halted an execution in the face of public outcry, a Parole Board that had unanimously voted against Mr. Keith, and as he is running for re-election this fall.

Governor Strickland should be respected for his bravery yesterday - and now, we must ask: what about Georgia's Governor and Troy Davis?

Will Georgia Consider the Mercy Granted to Kevin Keith as Troy Davis Sets on Its Death Row?

Well, things are different in Georgia. The clemency power sets not with the Governor, but instead with the Georgia Board of Pardons and Paroles. And the [Georgia Parole Board already denied](#) Troy Davis' clemency request back in 2008.

They didn't give any explanation for their decision. The Georgia Governor apparently has no power to do what the Ohio Governor did, even if he should desire to do so.

For Troy Davis, Look to the U.S. Supreme Court - Not to Georgia

One might suggest that the United States Supreme Court, in its historical ruling that provided a federal district judge the opportunity to make his own personal review of the evidence against Troy Davis is analogous to the stance taken by Governor Strickland: maybe the man is guilty, but we need to be sure before we - the State - execute him.

[Judge Moore's determination will be appealed](#). The High Court will have Troy Davis back before it, there's not many options left for Mr. Davis at this juncture.

For Troy Davis, one must ask: will the United States Supreme Court be as brave as Governor Ted Strickland? Time will tell.