

# 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).

## [California Executions? Is Death Row Really the Target of California's Budget Crunch?](#)

Posted on September 1, 2010 by [Terry Lenamon](#)

California re-instituted the death penalty in 1978; however, California has not executed anyone since February 2006, when [Federal District Judge Jeremy Fogel stayed the execution of Michael Morales](#) based upon Mr. Morales' arguments against lethal injection as cruel and unusual punishment.

### Federal Judge Fogel Has a Big Decision to Make

Now, after four years have passed without anyone on Death Row being executed by the state, [Attorney General Jerry Brown filed motions before Judge Fogel](#), fighting for removal of his stay because California "... now has presumptively valid regulations for carrying out lethal injections."

Included in the State's request was the revelation that California planned to proactively file papers for new execution dates be set for Mr. Morales as well as several other men who set on Death Row (and no longer have any appellate options available to them).

[Judge Fogel is considering Attorney General Brown's request.](#) Part of his consideration has to be not only the new lethal injection procedures that California has in place, but the new death chamber located at San Quentin facility -- together, do they resolve his prior concerns about the unconstitutionality of the California execution procedure?

### State Judge Adams Stands Firm: No Executions Until She Rules

California's Marin County Superior Court [Judge Verna Adams has a say](#) here, as well, and she's not dancing with Jerry Brown. Yesterday, Judge Adams affirmed that the Order she issued in 2007, halting executions by lethal injection until new state regulations could be adopted, remains in effect.

She has not changed that 2007 Order, and Judge Adams reaffirms that until she issues another court order, her 2007 Order remains in effect. [No executions until she says so.](#)

[Attorney General Jerry Brown reports that Governor Arnold Schwarzenegger](#) has asked him to appeal Judge Adams since new regulations became effective on Monday.

### Death Warrants Issued Despite State Judge and Federal Judge

Regardless of both a federal judge and a state judge, the State of California has started issuing death warrants. [Albert Greenwood Brown](#) was the first Death Row inmate in over four years to get a death warrant, notification that the State has scheduled his execution for [September 29, 2010](#).

The [Department of Corrections has told the media](#) that Mr. Morales and five other men should be receiving their death warrants soon.

California Death Row May Prove a Failed Strategy for Many  
California has lots of folk sitting on its Death Row right now. In fact, we've written

about how some California defendants actually prefer a sentence of death these days, because they live in better conditions on Death Row than they might face with a standard life sentence. Knowing that California was not executing anyone, savvy defendants were asking for capital punishment as a strategic decision on how their future days would be spent.

[Billy Joe Johnson's](#) request for a death sentence (which was granted) has made the national news, shining a spotlight upon the advantages of California Death Row. Death Row residents get single cells (they don't have to share a cell); their cells are bigger; they get more phone calls; they get to go outside every day, over the lunch hour; and [more](#).

California Is Broke: Is Money the Elephant in the Room Here?

We've had several [guest posts](#) here discussing the California budget crisis and the amount of money that could be saved if California were to take the death penalty off its books. Millions of dollars are at issue here, in a state that is known to be strapped for cash.

Is it a coincidence that suddenly, in an election year, executions are on the fast track in California? Or is money the real reason that after four years, death warrants are suddenly being issued for executions within 30 days time -- curious isn't it?