

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.

ABA Will Study Missouri's Death Penalty Process

Posted on April 27, 2010 by [Terry Lenamon](#)

The American Bar Association has announced it will be studying [how the state of Missouri implements capital punishment](#) - and the study should be pretty thorough. It's expected that the ABA Committee will delve into DNA evidence issues, indigent defense services, and the like.

The ABA Death Penalty Moratorium Implementation Project

In past years, the ABA has studied how the death penalty is administered in Alabama, Arizona, Florida, Georgia, Indiana, Ohio, Pennsylvania, and Tennessee. It has done so through its Death Penalty Moratorium Implementation - Assessment of Capital Jurisdictions Project (read through the [Project's FAQs](#) for details).

The ABA is far from neutral in the death penalty controversy. The American Bar Association is opposed to capital punishment -- and its walked the talk with its [Death Penalty Moratorium Implementation Project](#), "working to obtain a national moratorium on executions."

The ABA's Second Round of State Death Penalty Assessments: Kentucky and Missouri

After completing assessments of the first round of states (listed above), the ABA has determined that its work was so successful, they're gonna go for [round two](#). Missouri is part of this second round. So is Kentucky.

To read a summary of their findings in the first round, you can [read the ABA Summary online](#), where it's provided for free in a .pdf format. Key language from an indigent defense perspective:

Effective capital case representation requires substantial specialized training and experience in the complex laws and procedures that govern a capital case, as well as full and fair compensation to the lawyers who undertake capital cases and resources for investigators and experts. States must address counsel representation issues in a way that will ensure that all capital defendants receive effective representa-

tion at all stages of their cases. After examining eight states, the themes that emerged include:

- Many states are failing to provide a statewide indigent capital defense system, providing services instead on a county-by-county basis;*
- The judiciary remains primarily responsible for appointing defense counsel;*
- Some states are failing to provide for the appointment of counsel in post-conviction proceedings and all states are failing to provide for the appointment of counsel in clemency proceedings;*
- Capital indigent defense systems, whether statewide or county-by-county, generally are significantly underfunded;*
- Many states are failing to provide for the appointment of two lawyers at all stages of a capital case, nor are they guaranteeing access to investigators and mitigation specialists;*
- Many states are requiring only minimal training and experience for attorneys handling death penalty cases; and*
- The compensation paid to appointed capital defense attorneys is often woefully inadequate, dipping to well under \$50 per hour in some cases.*