

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.

Michigan Jurors May Impose First Death Penalty Sentence in 72 Years

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The [State of Michigan does not approve of the death penalty](#); capital punishment was removed from the state statutes as a sentencing option in 1847.

In fact, Michigan was the first state in the union to abolish the death penalty -- and Michigan has stood fast on its position against killing as punishment for [163 years](#) now.

Michigan Abolished Death Penalty 163 Years Ago, but Michigan Jurors May Still Sentence Timothy O'Reilly to Death

The federal system, however, still holds to death as the ultimate punishment for a crime. Defendant Timothy O'Reilly is being tried in a federal, not state, court in Detroit, Michigan on federal charges. [Trial started this week as the process of selecting jurors began.](#)

O'Reilly is being charged with a federal capital crime, and the jury will decide his fate in a federal courtroom, the [United States District Court for the Eastern District of Michigan](#). Under federal law, if he is found guilty, a second trial with a second jury will then decide his sentence, and whether he will die for his crime.

Timothy O'Reilly Allegedly Shot a Guard during a Bank Robbery: It's a Federal Crime

Indicted in 2005, Timothy O'Reilly and his pal Norman Duncan (he's being tried separately) allegedly worked together for Guardian Armored Security Services. According to the indictment, the two men used job skills learned during this employment to plan a robbery of an armored car in December 2001.

As the robbery commenced, and the armored car was delivering money to the Dearborn Federal Credit Union in Dearborn, Michigan, armored car driver Norman "Anthony" Stephens, 30, was shot and killed. The bandits escaped with \$200,000 and no one was arrested for the bank

robbery for three years.

Jailhouse Recordings Being Used to Support Federal Death Penalty in Michigan Case

In 2004, [Timothy O'Reilly was arrested for the Dearborn bank heist](#), along with his pal Norman Duncan and two other men. After O'Reilly was incarcerated, an inmate at the jail wrote the FBI wanting to negotiate a deal in exchange for ratting out Tim O'Reilly. Soon, the inmate was recording conversations with O'Reilly from the jail, without O'Reilly's knowledge.

[These conversations](#) have been the basis of the prosecution's argument that the death penalty is appropriate in the O'Reilly case. They argue that [the tape recordings reveal](#) that he showed a "complete lack of remorse" and that O'Reilly also said he would kill again.

Defense Argues Against Capital Punishment Applicability

Defense lawyers, however, argue that aside from the jailhouse blustering caught on tape, there is absolutely no other evidence that this was an execution-style killing, and that this case does not fit into federal death sentence guidelines.

Watch for an appeal on this one, folks.