

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.

James Biela: The Fight of Mitigating Evidence against Death Penalty Online Today

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Today, streaming video will be provided online as the death penalty defense team continues presenting its mitigating evidence in the penalty phase of **Jame Biela's** trial in a Reno, Nevada, courtroom.

They're fighting to have James Biela sentenced to life without parole. The State is seeking the death penalty in what many refer to as the **Brianna Denison** murder trial.

For those that miss it today, [RGJ.COM](#) appears to be keeping an archives of the entire case - including video of the sentencing trial.

Mitigating Evidence - The Forensics

[First up today, a forensic psychiatrist](#) will be taking the stand to relate Biela's childhood history of abuse and neglect, as well as his father's mental illness and its impact upon the defendant. There will be testimony that as a little boy, James Biela heard his father beat his mother on a nightly basis, that the family was so poor they went without heat and food, and other events that has been described as "[things no child should have to witness.](#)" Both [his mother and his brother](#) will testify.

Obviously, evidence of that abuse is important -- because it will work to explain the background of experience that Biela used (and uses) to understand and deal with the world around him. Working together, all this evidence will be used to substantiate the applicability of the [mitigating factors of Nevada law](#) in the case to the jurors.

Aggravating Factors in this High Profile Case

The State is [arguing that Biela is a serial rapist](#) and deserving of capital punishment under Nevada law. Rape, of course, was outlawed as a basis for the death penalty long ago by the United States Supreme Court.

Perhaps more than the [aggravating factors found in the Nevada statute](#),

the underlying basis for prosecutors pushing for the death penalty in this case is the [media coverage](#) the death of **Brianna Denison** garnered -- it became an ongoing mystery for more than one crime-coverage television show.

Biela Found Guilty by Jury Who Will Also Decide His Fate

In Nevada, the jury decides guilty or innocence and it also decides life or death. Yesterday, the Nevada jury found James Biela guilty of three crimes: (1) raping and killing Brianna Denison in 2008; (2) kidnapping and sexually assault of a student in 2007; and (3) raping a woman at gunpoint earlier that same year.

[Family and friends of James Biela](#) have stood by him in the courtroom, and [his ex-girlfriend](#) was present to hear the jury verdict of guilty. Let us join them all in prayerful hope that mercy will triumph over judgment.