

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.

New Florida Innocence Commission Gets Its First Executive Director Today: Lester Garringer Jr. Appointed

Posted on July 14, 2010 by [Terry Lenamon](#)

Florida Supreme Court Chief Justice Charles Canady, 56, began his two-year term on July 1, 2010, and his first order of business was to create the [Florida Innocence Commission](#), which will “conduct a comprehensive study of the causes of wrongful conviction and of measures to prevent such convictions.” (For the complete enacting language, [read the Administrative Order here.](#))

Today, **Lester A. Garringer, Jr.** was named to act as the Commission's first Executive Director. In the Court's news release detailing the appointment, Garringer's credentials are detailed - they include serving as a Monroe County judge (1977 - 1980) and for the past 7 years, serving as staff attorney to the Supreme Court Criminal Court Steering Committee and the Supreme Court Committee on Standard Jury Instructions in Criminal Cases. ([read the news release here](#)). Conspicuous by its absence in his resume was an extended amount of time spent in the actual defense of criminal defendants facing conviction.

What Will the Florida Innocence Commission Accomplish?

With a budget of around \$300,000, the FIC is charged not with implementing change so much as studying the reasons behind wrongful convictions in the State of Florida. One can only hope that part of that money will not be a re-hash of the numerous studies already done regarding the lack of funding for indigent defense in Florida.

The Cost of Indigent Defense Must Be Evaluated as Part of the Wrongful Conviction Research

Of particular importance is the need to acknowledge the studies already undertaken on the state of indigent defense for capital cases in the State of Florida. Obviously, there is a logical tie between a lack of funding for indigent defense and the likelihood of a wrongful conviction. Nowhere

is there a more critical risk for wrongful conviction than when the death penalty is at issue.

Prior Studies on the Underlying Issues - Budget, etc.

It's not too difficult to look at the current criminal defense system in this country and know that lack of [funding for constitutionally-mandated appointed counsel, and budgeting for their corresponding defense expenses](#), is one of the major factors behind wrongful convictions of innocent men and women. The American Bar Association, for example, has spent considerable time and expense analyzing these issues on a [state by state](#) basis -- and continues to do so.

Cantero & Schlakman's Fall 2009 Opinion

Just last fall former Florida Supreme Court Justice Raoul Cantero III and Mark Schlakman, former senior program director at the Center for the Advancement of Human Rights at Florida State University, wrote an opinion piece describing how they took an American Bar Association two-year study of Florida's death penalty system in 2006 and [compared it to the realities of the system today](#).

Their findings? The current situation is "abysmal."

Let us hope that the newly formed Florida Innocence Commission acts in a powerful and purposeful way in proactively instituting positive change in our state's criminal justice system. We already are too well aware of the ways in which the system is failing ... and how an increased indigent defense budget would help solve so many problems, including the likelihood of wrongful convictions in this state.