

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.

Bruce Carneil Webster: Will Mentally Retarded Man on Federal Death Row Be Executed?

POSTED ON DECEMBER 9, 2010 BY **TERRY LENAMON**

This Monday, without comment, the United States Supreme Court denied the petition for writ of certiorari filed by **Bruce Carneil Webster**, who sits on the federal Death Row. ([See the docket sheet here.](#))

Mr. Webster had sought the High Court's relief, arguing that courts should be able to consider evidence that one federal judge sitting on the 5th Circuit Court of Appeals opined "... is virtually guaranteed..." to prove that Bruce Carneil Webster is mentally retarded, which would make his 14-year-old death sentence unconstitutional.

What is this evidence of his mental state?

Three federal physicians from the Social Security Administration found Webster to be mentally retarded when he applied for disability benefits in 1993. This was a year before the crime for which he was sentenced to death was committed, e.g., the kidnapping and murder of 16-year-old Lisa Rene.

It is not disputed that this was a horrific crime: Lisa Rene was kidnapped, raped, beaten, and then buried alive -- and her abduction by Webster and his cohorts was recorded

during a call to 911. It is also not disputed that Webster is not seeking to revisit his conviction: he is only contesting the applicability of capital punishment under the constitutional precedents established by same High Court that has now denied him relief.

What's going on here?

Form over substance. There is a law on the books, it's been there since 1996, that limits a federal appellate court at this juncture in the process from considering anything but evidence which points to a defendant's innocence. (Read [28 USC 2255 here](#).)

So, even though the U.S. Supreme Court ruled in 2002 ([Atkins v. Virginia](#)) that individuals who are mentally retarded should not be subject to execution by the state, the 1996 statute appears to be a bar for that constitutional argument to ever reach a judicial bench for consideration.

Webster's attorneys aren't done, though. They've told the press that they will continue their fight, filing more argument in more courts – perhaps in Indiana – as they attempt to find an American court that will finally give the federal constitution some application in this case.