

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.

Georgia's Jamie Weis Petition Before USSCt - Will Indigent Defense Funding Crisis Be Addressed by Supreme Court?

Posted on July 6, 2010 by [Terry Lenamon](#)

Georgia Defendant **Jamie R. Weis** is getting lots of media attention today, as an article written by [Adam Liptak](#) in yesterday's *New York Time's* Sidebar column is being [republished](#) and [discussed](#) all over the country.

What NYT's Liptak has done is place a spotlight upon a case that has been pending before the U.S. Supreme Court for awhile now. In [Cause No. 09-10715](#), Jamie R. Weis is petitioning the High Court to review a decision of the Georgia Supreme Court, which voted its 4-3 approval of state prosecutors to seek the death penalty against Mr. Weis -- even though he has been incarcerated for two years without an attorney. ([Read the Petition for Writ of Certiorari here.](#))

That's right. Jailed. No lawyer. Two years. Georgia. Death Penalty Sought.

Mr. Weis's petition is based in part on an argument that he has been denied his right to a speedy trial. (A criminal defendant's right to a speedy trial is guaranteed to him/her under the Sixth Amendment, as well as various statutes such as the federal [Speedy Trial Act](#).)

Indigent Defense Crisis in Death Penalty Cases: Real Issue Before the U.S. Supreme Court in Weis

However, if you're wondering about money being the reason behind all of this, you're right. Like many death penalty defendants, Mr. Weis cannot afford to hire his own counsel. Apparently, the State of Georgia has not been able to find the funds to pay for an attorney to represent him.

Powerful Amicus Brief Brings Capital Defense Indigent Defense Crisis Into Focus

In an amicus curiae brief filed last month, several prominent mem-

bers of the GeorgiaBar presented their arguments to the Supreme Court, in support of Weis' petition. Among them: Norman Fletcher, former Chief Justice of the Georgia Supreme Court. ([Read their amicus brief here.](#))

Tellingly, and importantly, the friends of the court argue that the Georgia state legislature made a “*deliberate choice to not adequately fund indigent defense*” -- and accordingly, defendants should not suffer -- and have their constitutional rights ignored -- because of a lack of funding.

New York Times Article Helps Bring Public Awareness to Critical Issue

In the court of public opinion, Adam Liptak dovetails the amicus brief's overview of the current state of indigent defense within the State of Georgia with a discussion of the right to appointed counsel. Liptak includes the recent decision by the U.S. Supreme Court in [Vermont v. Brillon](#), where they recognized the possibility of “a systemic breakdown in the public defender system,” but failed to give any solutions to that situation.

Crisis in Death Penalty Indigent Defense Funding Must Be Addressed

One of the [recurring themes of this blog](#) is the crisis facing the criminal justice system today, in every state, because of the [lack of funding for indigent defense](#). Will the High Court finally address the practical realities of implementing the constitutional rights it has recognized with the correlated budgetary commitments it has created?

Let's watch and see. Fingers crossed? Yes. Don't hold your breath, though.