

# 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](http://deathpenaltyblog.com) and Florida Capital Resource Center ([floridacapitalresourcecenter.org](http://floridacapitalresourcecenter.org)), and can be reached at [terry@lenamonlaw.com](mailto:terry@lenamonlaw.com).

## [Another Example of the Florida Indigent Defense Budget Crisis: Robert Dunn Discovery Needs](#)

Posted on October 7, 2010 by [Terry Lenamon](#)

Over in Lee County, Robert Dunn has been arrested for the crime of shooting and killing his wife, Christine Lozier-Dunn, inside of a Cape Coral, Florida, daycare center, Bobbie Noonan's Child Care, on January 25, 2008. [He's facing trial for first-degree murder, first-degree armed burglary, and child abuse, and since Mr. Dunn couldn't afford an attorney he's been appointed counsel.](#)

### Robert Dunn Is Indigent; the Court Has Appointed Dunn's Defense Counsel

As guaranteed under the federal constitution, Robert Dunn has a legal right to effective counsel, and the State of Florida is legally required to provide him with representation once he's established himself to be indigent. (Here's the hitch: Florida has to pay for this.)

Robert Dunn Faces the Death Penalty - Which Makes for a More Complicated Defense If Robert Dunn is found guilty of the crime for which he is charged, he could be sentenced to death. This is a death penalty case, and with it ([as we've written about previously](#)), a lot more responsibility is placed upon the defense team. Mitigation specialists, additional investigation, preparation for both a guilt phase and a penalty phase in the trial -- Mr. Dunn's trial team has a huge legal duty here.

New Defense Lawyer David Brener Argues For Need to Re-Do Past Attorney's Work Yesterday, Mr. Dunn's new trial attorney, [Fort Myers' David Brener, appeared before Lee Circuit Judge Margaret Steinbeck to argue that he needs the court's help in order to fulfill that duty.](#) Brener is fierce about the lack of effective representation that Robert Dunn has received thus far -- and he can tie it directly to state budget concerns. Once again, it's all about the money.

As part of his argument, Mr. Brener called to the witness stand Mr. Dunn's prior defense counsel, Ita Neymotin, as the duly authorized representative of the five-county Regional Conflict Counsel office (Neymotin ran that shop until just last week). The RCC is a state agency, and [its funding comes from the State of Florida.](#) Past Defense Lawyer Testifies to Cost-Cutting Deciding Scope and Length of Depositions

[Ms. Neymotin testified under oath that during the Regional Conflict Counsel's](#) representation of Mr. Dunn from May 2009 until April 2010 (when Brener took over), money talked and because of cost considerations, some witness depositions simply weren't taken and the length of other witness depositions were set by how much they cost rather than what testimony was needed to be obtained.

Twenty-one depositions are at stake. The testimony of [21 witnesses](#) is a huge amount of evidence in any trial, but can literally mean the difference between life and death in a capital case.

21 Depositions at Issue: A Clear Example of Florida's Indigent Defense Budget Crisis [David Brener has asked Judge Steinbeck to let him retake 21 depositions](#) that were

controlled by money, and not by legal concerns. Brener argues that an effective defense requires that some witnesses be questioned again, because prior defense counsel failed to ask key questions during the prior depositions.

Answers to these questions are critical to Dunn's defense. It's imperative that the witnesses give those answers, under oath, to give the defense these facts in form that can be used at trial, i.e., as authenticated, admissible evidence.

Right now, the hearing has been continued and we don't know what Judge Steinbeck will decide. And her decision is important for us all -- since when does a bean counter in a state agency's bookkeeping department decide what witnesses are important to a case, or how long an attorney can ask questions of a witness (in deposition or at trial)?

This is a clear example of how injustice has permeated our criminal defense system in this state, and in this country -- all because of blind budget concerns. Something needs to change.