

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.

[Virginia Will Execute Teresa Lewis Tonight Absent a Miracle, My Comments to the Palm Beach Post](#)

Posted on September 23, 2010 by [Terry Lenamon](#)

Virginia Death Row inmate Teresa Lewis, 41, has ordered her [Last Meal](#): fried chicken, sweet peas, and either German chocolate cake or apple pie for dessert, along with a Dr. Pepper. Despite the efforts of lots of folk - including author John Grisham, for example - Teresa Lewis will die by lethal injection at the hands of the State of Virginia tonight unless nothing short of a miracle happens.

Today, Teresa Lewis May Make History as the 1st Woman Executed by Virginia Since 1912

Lewis' final appeal was blocked by the United States Supreme Court just last week. She has no more state appellate avenues to pursue. Virginia Governor Bob McDonnell could offer clemency, but he's already rejected Teresa Lewis' request once and there's not much hope that Governor McDonnell will change his mind at the eleventh hour.

Governor McDonald Follow Ohio Governor Strickland's Recent Clemency Example? Doubtful.

Even [Bianca Jaggar's plea, published today in the Huffington Post](#), may not be powerful enough to sway the governor. Maybe Governor McDonald is remembering how [Ohio Governor Ted Strickland granted clemency recently in the Kevin Keith case](#), and now [he's trailing in the polls](#).

My Perspective Was Asked by the Palm Beach Post - Here's The Gist of It

Given the fact that we don't often see women executed in this country, I was contacted by the [Palm Beach Post](#) to provide my perspective on the Teresa Lewis matter. You can read the entirety of the article by reporter Daphne Duret online, entitled ["Impending execution of Virginia woman brings spotlight to rarity of females on death row"](#)

As I related to Ms Duret and her readers, it has been my experience that mitigation is a powerful force for female defendants in a trial where the prosecution is seeking the death penalty. When a woman is found

guilty of murder, juries seldom decide that a death sentence is appropriate.

A wide variety of mitigation factors usually exist in the personal histories of women who are on trial for capital murder, and these circumstances usually help juries to opt for mercy. Women accused of homicide are always broken in some way -- there are histories of abuse, there are mental health issues, there are reasons for why their life path has resulted in their facing the jury in a death case.

Key Issues in Teresa Lewis' Case - No Jury, Contributions of Male Co-Defendants

Perhaps the key issue in Teresa Lewis' case is that there was no jury involvement. Teresa Lewis forego her right to a jury of her peers, and her criminal trial was in essence a plea of guilty and a sentence by the judge.

However, another key issue is a point made by my colleague and mitigation expert Rosalie Bolin in the Palm Beach Post article: even when a woman is sentenced to death, they are usually sentences that are reduced later on in the process. As Ms. Bolin points out, this is especially true when it's a multi-defendant case like Teresa Lewis' crime: the men who are co-defendants are usually found to be more responsible for the violence than the female.

There is a lot of mitigating evidence that a jury never heard before Teresa Lewis was sentenced to die for the murders of her husband and stepson (admitted homicides committed for life insurance money proceeds):

- the actual murderers, Matthew Shallenberger and Rodney Fuller, received only life sentences.
- Teresa Lewis never held a weapon
- Shallenberger, before his suicide, admitted that he - not Lewis - was the master-mind of the two murders-for-money
- Both male co-defendants would claim that Teresa Lewis was the follower of Shallenberger, doing as he wanted
- IQ testing reveals Teresa Lewis (before sentencing) at full scale IQ of 72, which is borderline mental retardation
- After sentencing, psychological examination of Teresa Lewis revealed that she has "multiple functional deficits," and functions as a 12-14 year old

Still, Teresa Lewis in all likelihood will die tonight. Mitigation factors do exist in our statutes, but mercy is something bigger than laws written on books.

It must exist in the hearts and souls of those setting in judgment -- and now, after one man setting in judgment sentenced Teresa Lewis to die, we all await to see how much mercy (or growing public outcry) may now sway another man, the governor of Virginia.