

## Legal Team – Questions to Consider (Henderson Case)

1. **How thoroughly did Henderson’s defense team investigate his background prior to the sentencing phase, and what does this suggest about their preparation for mitigation?**

Consider the steps the attorneys did *not* take, including whether they reviewed readily available records or followed up on warning signs presented before trial.

2. **What specific mitigating evidence existed but was not presented to the jury, and how might this evidence have influenced the jury’s sentencing decision?**

Think about childhood abuse, educational history, intellectual capacity, and mental health diagnoses, and how such information is typically weighed during capital sentencing.

3. **Why do you think Henderson’s attorneys failed to examine the prior conviction file despite knowing the prosecution intended to rely on it as an aggravating factor?**

Explore whether this omission reflects a strategic decision, attorney oversight, or a breakdown in professional standards of representation.

4. **Applying the Strickland Test, did Henderson receive effective assistance of counsel during the penalty phase of his trial?**

Apply both prongs:

(1) **Deficient performance** – Did the attorneys’ failure to investigate and present mitigation evidence fall below professional norms?

(2) **Prejudice** – Is there a reasonable probability that the outcome of the sentencing would have been different had the jury heard this evidence?

Use specific examples from the record to support your conclusion.

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### The Strickland Test

To prove ineffective assistance of counsel, a defendant must show:

- **Deficient performance** – that the attorney made serious errors falling below an objective standard of reasonableness.
- **Prejudice** – that these errors affected the outcome of the proceeding.