

Legislation for #Justice4Women in Michigan

Make Legislative History in Michigan like California, Missouri, New York, Illinois, and Oklahoma.

Take the Limits off Expert Testimony on Intimate Partner Battering to Give Michigan Women Fair Trials...People v Christel Ruling

The Legislature Can Release Battered Women From Women's Huron Valley Correctional Facility in Ypsilanti Like Other States are Doing.
#It'sTimeToLetThemGo

The latest report from the Michigan State Police for 2018 paints a thorough picture of the magnitude of domestic violence in Michigan.

Michigan had 48,264 domestic violence cases, resulting in the deaths of 55 people, according to Michigan State Police's Michigan Incident Crime Report.

- Macomb County had 2,560 domestic violence cases in 2018. Of the victims in these cases 1,858 were female and 709 were male, two being fatal.
- Oakland County had 4,219 domestic violence cases, 17 of which were fatal.
- Wayne County had 18,582 domestic violence cases in 2018, including 15 fatalities.

Learn How Michigan Can Be a Justice State

In the following powerful and impactful 14-minute video hear from Chief Justice Bridget McCormack, Oakland County Circuit Judge John McDonald, Nels Thompson, Prosecutor DJ Hilson, Legendary Civil Rights Attorney Dean Robb, California Sin by Silence advocates and news clips: Video link: https://youtu.be/vD4_VWC0-pk

Introduction

In a time when women are more likely to be assaulted in their homes by their partners than on the street, the Michigan law must change to accord women equal treatment in the criminal justice system. [The #MeToo movement appears to have increased public understanding about not only abuse, but the criminalization of abuse survivors.](#)

Your support is urgently needed to stop the “double injustice” women face in our Michigan courts.

(Detroit Free Press - December 2018)

Advocates say that Michigan women who killed their romantic partners after years of domestic violence often don't get fair trials because a 1995 state Supreme Court ruling, [People v. Christel](#), limits Battered Woman Syndrome testimony.

But what is Battered Woman Syndrome and should it be used as a defense for murder? [Lenore Walker](#) is the psychologist who coined the term Battered Woman Syndrome in the late 1970s. She documented the deep psychological toll violence can take on victims, causing a range of symptoms and behaviors that she described as part of the syndrome. Walker also documented the cycle of intimate partner violence.

Battered Woman Syndrome can play a role in how people respond when they feel their lives are in danger and can help explain their behavior in the rare instances when victims kill their batterers, Walker said.

What Needs to Change?

In the present 1995 [People v Christel](#) ruling, expert witness testimony in battered woman cases is currently limited to a general explanation of Battered Woman Syndrome (BWS) and nothing more. Expert witnesses are prohibited from presenting a clinical diagnosis that a defendant is a battered woman suffering from PTSD or BWS and are not allowed to link those syndromes to the specific facts in the case to explain state of mind, behaviors, or perception of imminent danger.

Why This Needs to Change

[These constraints on testimony are left in place even though scientific research documents that jurors cannot make sense of expert testimony without having those connections explicitly drawn.](#)

The late [Oakland County Judge John J. McDonald](#) was the first to speak up about the injustice of [People v Christel](#) in 2005 followed by [Federal Judge Bernard Friedman](#) in 2010 who stated Michigan battered women do not have a defense in court. The very

conservative Judge McDonald zealously spoke out in support of the California language in a new bill for Michigan women.

This is what happened in the trial he presided over in 2005:

"The prosecutor, who is not an expert witness, is technically not bound by those same limitations on expert witness testimony that the defense expert faces. Prosecutors take advantage of that fact as happened in my case. My defense expert witness was prohibited from presenting a clinical diagnosis that I was a battered woman who has PTSD as a result of long term battering. That evidence was critical to my entire defense. The jury never heard it because of the restrictions of People v Christel.

The prosecutor, who was not an "expert witness" stood before the jury, announced that she was Head of the Domestic Violence Unit in Oakland County. She used the prestige of that office to unequivocally state that the woman on trial is not a battered woman. She then used every myth, stereotype, and misconception about battered women to discredit not only my claim that I was a battered woman, but it discredited the minimal amount of general Battered Woman's Syndrome and PTSD syndrome testimony that my experts were allowed, by state law, to present.

The jury, unaware of the limitations on expert testimony, waited for the defense to counter the prosecution's claims. When that did not happen due to the limitations on the testimony of the experts, the jurors were left to presume what the prosecutor said was true. In their eyes, the prosecutor was an "expert".

In my courtroom trial, the scales were unfairly tipped in favor of the prosecution." NS

Should Michigan change the law? (Detroit Free Press Dec 2018)

Michigan Supreme Court Justice [Bridget Mary McCormack](#), who ran a domestic violence clinic when she was a professor and dean at the University of Michigan Law School and also worked with Washtenaw County's domestic violence shelter, [SafeHouse Center](#), said that though there is Michigan case law now limiting Battered Woman Syndrome testimony in defense cases, it doesn't have to remain that way.

"The Legislature can, if it wants, change any of those rules," she said. "And it has in the context of self-defense in other ways. For example, in 2005, the Legislature expanded the stand-your-ground principles in self-defense statute ... to underscore people's right to defend themselves in their own homes with deadly force.

"The Legislature could do the same with Battered Spouse Syndrome if it wants, and some states have done that."

But, said D.J. Hilson, Muskegon County prosecutor and president of the [Prosecuting Attorneys Association of Michigan](#), it's not as simple as it might seem. Limitations on expert testimony of any kind is limited the same way in Michigan.

"It doesn't matter if it's Battered Woman Syndrome; it doesn't matter if it's a drug expert; it doesn't matter if it's an expert in how child CSC (criminal sexual conduct) victims react. In any case where an expert is used – whether it be in prosecution or defense — that expert is only allowed to educate the jury on the dynamics, but cannot specifically tie those dynamics to the particular victim," Hilson said.

"And so that has been the law in Michigan for quite some time. It's not that BWS is being singled out in this case. It's just that's just how Michigan courts are allowed or how we as prosecutors are allowed to use expert testimony in cases and how defense attorneys are allowed to use expert testimony in their cases." (Detroit Free Press - Kristen Jordan Shamus - December 2018)

Retired Michigan Department of Corrections prison psychologist, Nels Thompson, on Necessity of Expert Testimony for Fair Trials and Changing the Law:

"Already, under People vs Christel, we, domestic violence advocates, have had a ruling that allowed an expert witness into the courtroom and could indeed testify. What is needed is the language that says that the expert witness can testify to the case being litigated with opinions specific to this case. We need the expert witness to be able to testify whether or not in the case at hand, whether domestic violence occurred, and if it did to what extent was it dangerous, did it change thinking patterns in the accused, etc. Was it reasonable, given the violent history of this relationship, to believe that you are in imminent danger, whether you are acting in self-defense, etc?

I have heard the argument from that we cannot legislate guilt or innocence, and I agree. We who are passionate about fair trials for people who have been battered is not addressing whether this person is guilty or innocent. Rather it is an attempt to allow juries and judges to have all relevant information as to consider and decide a case. We are asking for this type of testimony in the interest of fair trials, not final individual decisions.

It is precisely because of this expert testimony issue that many people think some women have not had fair trials. It is easy to see who pulled the trigger, who stabbed who, but it is far more complex to see the circumstance that caused one to do an act that is in total violation of their moral and ethical life code; people who in no other circumstance would be violent, except in this instance of fear caused by many threats of

"I will kill you, no one will help you" and other terrifying events that have caused one to think that your life and the life of your children are in imminent danger.

This desire to have expert testimony in no way diminishes the fact that some defendants will lie about past abuse, claim self-defense because they see a way out of a murder, etc. We still need prosecutors, judges, juries and defense counsel to make sure justice is served.

That is precisely why we so desire to have all testimony presented to judges and juries, not merely a domestic violence expert in the room stating this is how domestic violence works, rather than a domestic violence expert evaluating the defendant and drawing an informed opinion about this case and be able to give pertinent information about this defendant's experience and state of mind at the time of the violence perpetrated. Then judges and juries will consider guilt and innocence."

Women Incarcerated for Intimate Partner Violence:

Retired Michigan Department of Corrections prison psychologist, Nels Thompson, has diagnosed and treated women from 2000-2010 that he said should be released to their family members - and their own children they were protecting from violent abusers. They are still incarcerated.

Mr. Thompson said these women are not considered a threat to society and do not belong behind bars, where they also cost Michigan taxpayers a minimum of \$36k a year – a figure that increases significantly as these women age and experience increasing health challenges. Some women in prison are almost 70-years-old.

Other States Have Done It - Michigan Can and Should

Missouri Revised Statute 563.033

The instant decision improves the treatment of women in the criminal justice system and achieves a fair result.

First, by allowing evidence of "Battered Spouse Syndrome" in homicide cases, the court takes a significant step toward changing social attitudes about women and their roles in society.

Our criminal justice system has a long history of bias against women. This bias is prevalent when prosecuting men for abuse of women, and when prosecuting women for killing their partners.

In a time when women are more likely to be assaulted in their homes by their partners than on the street, the law must change to accord women equal treatment in the criminal justice system.

Only when the law changes to recognize that women have different needs than men, such as a need for a different "reasonable person" standard, will social attitudes about women change.

The instant case, by holding that [Missouri Revised Statute section 563.033](#) is applicable regardless of marital status and that a battered woman's perception must be considered in the issue of self-defense, promotes the equal treatment of women in the criminal justice system.

Second, the instant decision specifically states that the jury must consider all the evidence from the perspective of the battered woman considering her past history of abuse. This holding changes the common law "reasonable man" standard and allows a woman to have her actions considered free of the inherent biases embodied in the "reasonable man" standard. The jury may consider the psychological characteristics of the woman-to place themselves in her shoes.

With this new standard, not only is evidence of "Battered Spouse Syndrome" admissible, but the jury views the incident through her eyes, achieving a fairer result for some battered women.

<http://scholarship.law.missouri.edu/mlr/vol56/iss2/11>

California:

In 2002, the California Coalition for Battered Women in Prison, a group of lawyers, law students, and other advocates for battered women, organized to provide these women with legal representation, researching and filing individual petitions on behalf of each woman. [This clemency effort was part of a national clemency movement that began in 1991 when Ohio Gov. Richard Celeste granted clemency to 28 battered women whom his staff determined had killed their abusers in self-defense. Governors in Maryland and Massachusetts followed suit releasing 15 more battered women prisoners.](#)

Also in 1992, California passed legislation intended to make the review process for clemency petitions consistent with section 1107's provisions permitting the admission of battered women's syndrome evidence.

The legislative history for 1992 amendment states: “Since California law expressly allows BWS to be introduced as evidence in trials, this bill provides that such evidence should also be considered as a factor in commutation or clemency petitions.”

A few years after revising the clemency statute, the legislature passed Senate Bill 499 in 2000, in an apparent effort to encourage the parole board to recommend parole for battered women whose convictions were the result of their victimization.

The **California Habeas Project**, also known as The Habeas Project, is a collaboration that advocates for reducing the sentences of domestic violence survivors incarcerated for crimes related to their experiences of being abused.

The constituent organizations in the collaborative include: Free Battered Women, Legal Services for Prisoners with Children, California Women's Law Center, [USC Post-Conviction Justice Project](#), and the Los Angeles County [Public Defender's Office](#).^[1]

The Habeas Project recruits volunteer legal teams from private law firms to represent incarcerated survivors of domestic violence.^[2] The Habeas Project began working with women in prison in 2002 after the California [penal code](#) was altered to give battered women in California prisons a chance for a new hearing. By 2007, the Habeas Project had facilitated the release of 19 survivors of domestic violence from prison.^[3]

By May 2002, the Post-Conviction Project had completed initial screening of inmates at the California Institution for Women with an inmate population of 1700 inmates; 17 inmates were identified as eligible.

The screening process for the central California women's facilities at Chowchilla, the Central California Women's Facility, and the Valley State Prison for Women, is a much larger task. The combined population is over 7000 inmates, several times more than CIW in California. So far, about 15 inmates have been identified as fitting all the requirements of Penal Code Section 1473.5 although screening has not been completed. An attorney training was held on Jan 25, 2003 for the Bay Area pro bono attorneys; this group will be assigned to the Chowchilla inmates. Individual cases will be assigned to attorneys so that they can begin working on the habeas petitions.

California Bill:

A bill analysis of the California law stated, *"The purpose of the law is to give another chance to battered women who did not have expert testimony presented at their original trial."*

Legislative History! On July 29, 2003, Governor Davis signed SB 784 (Karnette) which will help Habeas Project clients by extending the sunset clause of Penal Code 1473.5 from Jan.1, 2005 to Jan. 1, 2010.

Senate Bill No. 784 An act to amend Section 1473.5 of the Penal Code, relating to battered women's syndrome.

SB 784, as introduced by Senator Karnette on February 21, 2003. Battered women's syndrome: writ of habeas corpus.

Existing law, effective only until January 1, 2005, as specified, provides that a writ of habeas corpus may be prosecuted to inquire into the fact that evidence relating to battered women's syndrome, based on abuse committed on the perpetrator of homicide by the victim of the homicide, was not introduced at trial and, had it been introduced, there is a reasonable probability that the result of the proceedings would have been different. Under these circumstances, existing law authorizes a court to take certain actions, including ordering a new trial or reversing a conviction. This bill would provide that these provisions would instead remain in effect until January 1, 2010.

Section 1473.5 of the Penal Code is amended to read:

1473.5. (a) A writ of habeas corpus also may be prosecuted on the basis that evidence relating to battered women's syndrome, within the meaning of Section 1107 of the Evidence Code, based on abuse committed on the perpetrator of a homicide by the victim of that homicide, was not introduced at trial relating to the prisoner's incarceration, and is of such substance that, had it been introduced, there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction, that the result of the proceedings would have been different. Sections 1260 to 1262, inclusive, apply to the prosecution of a writ of habeas corpus pursuant to this section.

1473.5. A writ of habeas corpus also may be prosecuted on the basis that expert testimony relating to intimate partner battering and its effects, within the meaning of Section 1107 of the Evidence Code, was not received in evidence at the trial court proceedings relating to the prisoner's incarceration, and is of such substance that, had it been in evidence, there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction that the result of the proceedings would have been different.

Sections 1260 to 1262, inclusive, apply to the prosecution of a writ of habeas corpus pursuant to this section. As used in this section, “trial court proceedings” means those court proceedings that occur from the time the accusatory pleading is filed until and including judgment and sentence.

Bill Analysis: Background. SB 799 (Karnette), Chapter 858, Statutes of 2001, permitted habeas corpus petitions for battered persons convicted of killing their abuser. This law created a new habeas corpus remedy under Penal Code Section 1473.5 for a narrow class of prisoners on the basis that they did not have testimony on BWS presented at trial.

[Governor Signs Habeas Bill into Law! On September 17, 2004, Gov. Schwarzenegger signed SB 1385 into law. It will go into effect on Jan 1, 2005.](#)

The bill expands the class of domestic violence survivors who are eligible for habeas relief. It also changes language about “Battered Women’s Syndrome” to the more favored terms “battering and its effects”. With the passage of this bill, Free Battered Women joined with their partner in the Habeas Project, California Women’s Law Center and the USC Post-Conviction Justice Project to implement and secure the release of more incarcerated survivors of domestic violence from prison.

What SB 1385 Does and Why it is Important

In 2001, after years of pressure from advocates for survivors of domestic violence, incarcerated survivors, friends, families, attorneys, and community groups, the California legislation passed Senate Bill 799.

[The bill \(Later codified as Penal Code 1473.5\) affords incarcerated survivors of domestic violence convicted before 1992 of first-or second-degree murder for killing their abusive partners an opportunity to seek a re-trial or reduction in sentence. Survivors can submit petitions for habeas corpus on the basis that, had evidence of battering and its effects been introduced at trial, it would have changed the outcome of their cases.](#)

In early 2002, the Habeas Project was established to assist incarcerated survivors of domestic violence with filing their habeas petitions. Yet the law allowing battered women to file habeas petitions only applied to a narrow class of survivors. The expanded law, under SB 1385, includes relief for:

- * those coerced by their batterers into committing crimes;
- * those convicted of voluntary or involuntary manslaughter in the death of their abusive partner;
- * those convicted of attempted murder; and
- * others convicted of crimes where expert testimony on domestic violence could have changed the outcome of their case.

The Assembly passed SB 1385 with a vote of 71 to 2, meaning the bill had strong bipartisan support (29 Republican representatives voted in favor of the bill).

In 2005, California legislators passed a similar bill rectifying the injustice in their evidentiary laws affecting battered women, and that legislation permitted habeas corpus petitions for battered women convicted of killing their abusers. The California law "created a new habeas corpus remedy for a narrow class of prisoners on the basis that they did not have testimony on Battered Woman Syndrome presented at their trial. Under this circumstance, the law authorized a court to take certain actions, including ordering a new trial or reversing a conviction."

California Sin by Silence laws:

The signing of both AB 593 and AB 1593 will give these women the opportunity to be heard and have another chance at justice.

AB 593 will do two things: it will allow victims of domestic violence whose expert testimony was limited at their trial court proceedings to re-file for a writ of habeas corpus to allow this expert testimony to weigh in on their defense and it will also give victims more time to receive legal representation by deleting the sunset date currently in statute.

AB 1593 will give victims who have suffered Intimate Partner Battering (IPB) a chance to present their evidence in an effective way during the parole process by giving great weight to any information or evidence that proves the prisoner experienced IPB and its effects at the time the crime was committed. This bill will also require that the information delivered to the Legislature relating to IPB, will be in specific and detailed reports.

“The passing of the Sin by Silence Bills brings together a decade long journey of work to help right the wrong in this world. [Now that legislative history has been made in California, we hope to carry on to the rest of the country.](#) [Both bills will go into effect on January 1, 2013.](#)”

New York

In 2012, California passed two laws, popularly known as the Sin by Silence laws, to address certain legal limitations imposed on abuse survivors convicted before August 1996, when the state supreme court ruled that expert testimony on battering and its effects could be introduced. The first law allowed imprisoned abuse survivors to file a legal motion challenging their incarceration if their original trial had limited expert testimony about abuse. The second required the parole board to accept and seriously consider evidence of abuse during parole hearings. In 2016, Illinois passed a law directing judges to consider the role of abuse during sentencing. Survivors who are already imprisoned can petition for resentencing if evidence of abuse was not presented during sentencing.

Governor Andrew M. Cuomo signed the **Domestic Violence Survivors Justice Act (S.1077/ A.3974)**, [a bill that codifies more meaningful sentence reductions for domestic abuse survivors in the criminal justice system](#) and a key initiative in the Governor's [2019 Women's Justice Agenda](#). Current law allows judges to administer indeterminate sentences for domestic violence survivors who have committed a crime only in relation to their abuser under certain circumstances. The Domestic Violence Survivors Justice Act will build upon this law by adding offenses committed due to coercion by an abuser, as well as offenses committed against or at the behest of an abuser who does not share a household or family with the survivor—preventing further victimization of individuals who have endured domestic and sexual violence at the hands of their abusers.

["The vast majority of incarcerated women have experienced physical or sexual violence in their lifetime, and too often these women wind up in prison in the first place because they're protecting themselves from an abuser," Governor Cuomo said. "By signing this critical piece of our 2019 women's justice agenda, we can help ensure the criminal justice system takes into account that reality and empowers vulnerable New Yorkers rather than just putting them behind bars."](#)

Illinois

In 2016, Illinois passed a law directing judges to consider the role of abuse during sentencing. [Survivors who are already imprisoned can petition for resentencing if evidence of abuse was not presented during sentencing](#).

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0384>

Effective Date: 1/1/2016

“Sometimes the political stars align,” said Benos. “You had a new governor elected who kicked off with a prison reform commission. The problems at Logan erupted under the prior administration. You had a new administration, the situation of women was elevated – the stars just aligned.”

<https://news.wttw.com/2018/07/18/task-force-aims-reduce-number-women-illinois-prisons>

Oklahoma

The movement to consider the role of domestic violence in crimes might be expanding to more conservative parts of the country. In February, lawmakers in Oklahoma, which has the country’s highest rate of female incarceration and one of the highest rates of domestic-violence homicides, introduced HB 1318, which is similar to the New York legislation. The bill is still in early stages, but growing local and national attention to the state’s prison overcrowding and women’s incarceration rates has increased support for criminal-justice reform in Oklahoma from the political right as well as the left, which could help the bill along. (The Atlantic - May 2019)

Michigan High Profile Case of Battered Woman Charged with Murder by Oakland County Prosecutor:

In the September 2018 high profile Oakland County case of Tina Talbot, she was tortured for one week by her abusive husband while he threatened to kill her seven-year-old special needs son and said he will force her to watch. When her husband put the gun down, Ms. Talbot picked it up and killed her husband in order to save their lives. She called the police to report what happened then was admitted into ICU for her own injuries.

Oakland County Prosecutor Jessica Cooper charged Ms. Talbot with murder. Even the police were in favor of the prosecutor dismissing all charges against Ms. Talbot. With all the evidence in front of them, other prosecutors and judges said it was a justifiable homicide. Oakland County Judge Karen McDonald stated she would have never charged Ms. Talbot with murder nor sent her to prison. Ms. Talbot had to plea to manslaughter and Judge Martha Anderson sentenced her to prison. Over 200k people have signed a petition demanding her release so she can care for her own son.

Tina Talbot’s criminal defense attorney, Mr. Jerome Sabbota, explained to Ms. Talbot that it is too risky to go to a jury trial in Michigan because of what happened to Nancy Seaman with the inability of the domestic violence expert, Ms. Holly Rosen from MSU, not being allowed to educate the jurors as to the facts and findings that Ms. Talbot had no option but to kill her husband in order to save her life and save her son from brutal torture and death as well. He explained that the jury will have too many unanswered

[questions without the expert having the ability to testify completely and tie the specific facts of “why she didn’t just leave” and the dynamics of intimate partner violence many people don’t understand.](#)

Oakland County Judge Karen McDonald presided over the custody case of Tina Talbot’s son and witnessed the grave injustice of Tina being charged with murder and sentenced to prison. McDonald said she would not have charged Tina Talbot. McDonald stepped down from her position as judge to run for Oakland County prosecuting attorney: <https://www.wxyz.com/news/petition-to-pardon-tina-talbot-gains-over-111-000-signatures-will-head-to-gov-whitmers-desk>

How Many Battered Women Incarcerated at Women’s Huron Valley Correctional Facility in Ypsilanti, MI?

The Michigan Department of Corrections said this specific information is not available. Press reports in 2018 said the Women’s Huron Valley Correctional Facility in Ypsilanti, MI has 2400 inmates.

But in 1999, the Department of Justice released a report focused on past experiences of abuse among people behind bars, which found that approximately half of incarcerated women had experienced past physical or sexual abuse. No government agency tracks how many women are imprisoned for acts stemming from domestic violence, but in some states, researchers began studying this as best they could. In New York, for instance, the Department of Correctional Services found in a 2007 report that in the year 2005, two-thirds of women incarcerated for killing someone close to them had been abused by that person. (Black women experience domestic violence at a higher rate than white women, and are imprisoned at nearly twice the rate.) (The Atlantic, May 21, 2019 - Victoria Law)

Many times prosecutors do not have a thorough understanding of intimate partner violence and that women are in a kill-or-be-killed situation stemming back many years ago and still today. On a nationwide level, prosecutors are aware that usually, the woman ends up dead in the majority of intimate partner violence cases. Kalamazoo County Prosecutor Jeff Getting said the majority of all homicides in his county are women being killed by intimate partner violence. But when women fight back and it resorts to killing, the abuser becomes the victim in the eyes of the court, and women are often blamed for not leaving and finding another escape plan. Law enforcement stated women are in the most danger when they try to leave an abuser since the abuser is losing power and control. If the prosecutor in that particular county presiding over that

case is not well versed on the dynamics of intimate partner violence then women generally end up going to prison. In addition to Kalamazoo County, Muskegon and Kent County report to having 800-900 domestic violence cases a year.

Embrace Justice

We ask that you ask yourselves, your own families, your associates, and your constituents whether we can afford—morally and financially—to be a state that demeans true family values. How much better would it be for Michigan to embrace justice that accounts, most certainly, for violence committed against abusers, but also accounts for powerful mitigating factors driven by the terror of death and harm to children? In many cases, these very children, now well into adulthood and/or middle age, are the very people who are working and waiting for their mothers to return to them... and their children. Please let your voice be heard in Lansing for true justice on this issue.

Our Hope

It is our hope incarcerated women whose cases are linked to the actions and crime of an intimate abuser will find favor in the eyes of Gov. Whitmer and have a commutation granted since they pose no threat to society.

Relief for California's women prisoners convicted of crimes resulting from abusive relationships began with the prisoners themselves, spread to lawyers and other advocates for battered women, and then to the California legislature, which passed three different statutes prior to enacting section 1473.5, each one intended to facilitate the release of battered women prisoners.

Clemency. In 2001, the same year Evidence Code 1107 became law, 34 California women prisoners convicted of homicide filed a consolidated clemency petition with the governor, asking that he review each case and grant clemency based on each prisoner's status as a battered woman who killed her abuser in an effort to save her life.

In 2002, the California Coalition for Battered Women in Prison, a group of lawyers, law students and other advocates for battered women, organized to provide these women with legal representation, researching and filing individual petitions on behalf of each woman.

This clemency effort was part of a national clemency movement that began in 1991 when Ohio Governor Richard Celeste granted clemency to 28 battered women whom his staff determined had killed their abusers in self-defense. Governors in Maryland and Massachusetts followed suit, releasing 15 more battered women prisoners. (Carrie Hempel - published in Criminal Justice, Volume 25, Number 4, Winter 2011)

Michigan legislators must do the same and your support is urgently needed. If you choose to sponsor this legislation please contact Kelle Lynn, founder Justice Thru Storytelling at contact@jtsadvocates.com or personal cell 832.215.0030 and ask how we can support your efforts. More information can be found on our website at jtsadvocates.com

Intimate partner violence affects about 1 in 3 women and 1 in 4 men, according to the [National Coalition Against Domestic Violence](#). Homicide is among the leading causes of death for women 44 and younger, according to a [2017 U.S. Centers for Disease Control and Prevention report](#) that analyzed homicide data from the National Violent Death Reporting System among 10,018 women older than 18 in 18 states, including Michigan, from 2003-14.