

**Application to the Georgia
Board of Pardons and Paroles
on behalf of
KELLY RENEE GISSENDANER**

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BEFORE THE BOARD OF PARDONS AND PAROLES
STATE OF GEORGIA

Application of Kelly Renee Gissendaner
for a 90-day stay of execution
and for commutation of her sentence of death

APPLICATION FOR CLEMENCY

Undersigned counsel applies to the Board of Pardons and Paroles, pursuant to Article IV, Section II, Par. II(a) and (d) of the Georgia Constitution of 1983, O.C.G.A. sections 42-9-20, 42-9-42(a), and chapters 475.2.01 (1) and 475.3.10 (2)(b) of the rules of this Board for: (i) consideration of this application on behalf of Kelly Gissendaner for commutation of the sentence of death imposed by the Superior Court of Gwinnett County on November 19, 1998; (ii) a 90-day stay of her execution, presently scheduled for February 25, 2015 at 7:00 PM, to permit consideration of her application; (iii) a full and fair hearing before the full Board, allowing her to present witnesses and to be heard through her counsel; and (iv) after that review, the commutation of her sentence of death.

Ms. Gissendaner bases her application on the following compelling grounds: 1) Ms. Gissendaner has accepted responsibility for her actions

which caused the death of her husband, Douglas Gissendaner, Jr., and has expressed deep remorse for the pain she has caused their children and the rest of the Gissendaner family, and all those who loved and cared about Mr. Gissendaner; 2) Ms. Gissendaner has earned the support and respect of corrections staff and volunteers as a result of her positive impact both within and outside the prison where she is confined; 3) Ms. Gissendaner has shown a commitment to seeking redemption through spiritual growth and serving others; 4) Ms. Gissendaner's children, who were irreparably harmed by the murder of their father, will be further harmed if their mother is executed; and 5) Ms. Gissendaner is the only individual who is under a sentence of death for her role in Doug Gissendaner's murder, despite the fact that her co-defendant was sentenced to life and is eligible to seek parole in eight years.

I. Kelly Gissendaner is deeply remorseful and accepts full responsibility for her role in the murder of her husband, Douglas Gissendaner.

[I]t is impossible to put into words the overwhelming sorrow and remorse I feel for my involvement in the murder of my husband, Douglas Gissendaner. Doug was a wonderful person and a loving and generous husband and father. Because of my actions, our children lost their beloved father, the Gissendaner family lost their beloved son, brother, and uncle, and our community lost one of its finest citizens. I wish I could truly express how sorry I am for what I did, but there is just no way to capture the depth of my sorrow and regret. I would change everything if I could.

There are no excuses for what I did. I am fully responsible for my role in my husband's murder. I had become so self-centered and bitter about my life and who I had become, that I lost all judgment. I will never understand how I let myself fall into such evil, but I have learned first-hand that no one, not even me, is beyond redemption through God's grace and mercy. I have learned to place my hope in the God I now know, the God whose plans and promises are made known to me in the whole story of the life, death, and resurrection of Jesus. I rely on the steadfast and never-ending love of God.

--Kelly Gissendaner, Ex. 1

Grappling with the gravity of her role in taking her husband's life and the pain and destruction his murder wrought on their children and extended family, was a difficult and labored process for Kelly Gissendaner. Initially, she could not face it. Douglas Gissendaner, a kind and gentle man full of love, was dead because of her. Overwhelmed, Kelly hid from what she had done, maintaining a tough and arrogant persona. What happened

over the years that followed, however, was transforming: with her life stripped bare before her, and with the support and encouragement of the chaplaincy staff and her pastoral counselor, Kelly confronted the terrible truth. This core group of devoted spiritual mentors ministered to her with compassion, care, and concern as she went through the painful process of reckoning with and accepting full responsibility for her criminal actions. She feels deep sadness and remorse for her role in her husband's death, and the devastating loss for their children, families, and friends.

What Kelly saw when she looked in the mirror was a selfish and bitter person who "no longer valued life." She knew that the image was not the person she truly was or wanted to be, but she also recognized that she could not change or move forward alone. She learned that even though she was at the very bottom of life's well, the ground was firm: she could not fall any lower. And in that space, Kelly Gissendaner looked up. Kelly came to understand that God's grace and God's mercy still were available to her, despite what she had done. Experiencing God's forgiveness was nothing short of transformative. Gradually, the layers of self-serving behavior and self-loathing thinking began to peel away. Over time she gained confidence in the strength and magnitude of God's

amazing grace and redemptive power.

The best descriptions of Kelly's faith journey and transformation come from those who watched it happen, the core group who, along with literally dozens of other officers, administrators, and volunteers in the years that followed, provided her with the support, encouragement, and stability she needed after she was sentenced to death. Chaplain Susan Bishop met Kelly in November 1998, just after her arrival at Metro State

Prison:

When Ms. Gissendaner first entered the prison system she was a very closed and self-centered person with little insight. I have seen her evolve into a person who is very concerned about others. She is very remorseful about her crime and the impact that it has had on others. She accepts full responsibility for her role in this crime.

I have witnessed Ms. Gissendaner undergo a deep and sincere spiritual transformation. Having been a Chaplain in the prison setting for over thirty years, I have seen much "jailhouse religion." The spiritual transformation and depth of faith that Ms. Gissendaner demonstrates and practices is a deep and sincere expression of a personal relationship with God. It is not a superficial religious experience.

Ex. 7.

Reverend Sally Purvis, Kelly's pastoral counselor from July 1999 to the present, also saw Kelly's personal and spiritual growth firsthand:

When I first met Kelly, she was an angry woman. I am not breaking

pastoral confidence to say that she grew up in an angry and often violent environment since that is public record. And she had absorbed much of her upbringing. Early in our relationship, I spent a lot of time helping her to understand that yes, it's true, life isn't fair, and all of the emotional and spiritual energy she was using being angry at what happened to her was just wasted. She gradually took responsibility for "what happened to her," and she started to look hard at what she had done. She realized over time that her real work wasn't to challenge a system but to look hard at her own soul and make peace - with God, with the world, and with herself.

Ex. 21.

Another long-time spiritual mentor to Kelly, Reverend Della Bacote, offered these observations:

Each week I met with Kelly I learned to appreciate her humor, her love for sports, how she has learned from the tragic decisions she has made, and I have witnessed how her life is making a positive impact among other women at the institution. Kelly is well respected and well-spoken of by her peers. Kelly and I have engaged in thought provoking conversation that has led to some transparent moments over the years that have revealed a beautiful metamorphosis. ...

Over the years of visiting Kelly, I can attest to the fact that she has grown immensely on many levels. She has developed into a woman who is an authentic Christian. ... She has deep remorse for the crimes she committed, a profound sense of responsibility to help others and contribute to her community within the correctional institution.

Ex. 24.

Former Dean of the Candler School of Theology and Chair of the Georgia Prison Ministries James L. Waits was first acquainted with Kelly in

2003. Dr. Waits writes:

From the first, and even prior to our acquaintance, Kelly has involved herself in the religious services and programs of the Chaplaincy. It is accurate to say that both at Metro and now at Arrendale, she has availed herself of all opportunities provided by the Chaplaincy, including its services of worship, teenage probation groups, clinical pastoral programs, and theological study. Within the prison, she has become a model influence on other inmates as they struggle to find their identity in the face of their offenses. She is profoundly remorseful for her role in the crime for which she was convicted. ...

I believe we can see in Kelly Gissendaner a truly redeemed person. If our faith teaches anything, it is that such persons, including ourselves, may hope for the chance to prove the reliability of our changed ways. Kelly has already exhibited an exemplary change in her life, and surely has more to offer as an example of her own redemption. I can see no good purpose in taking that life from us. Though she may continue to endure the consequences of her deed, the prospect of a life-giving ministry and example to others in the prison would have immeasurably more impact.

Ex. 18.

More recently, Chaplain Kemmie McNeese has gotten to know Kelly and describes the person she has become:

My initial visit allowed me to look into the eyes of a woman, a mother, and a person who seemed to be positioned in a hopeless situation. What I saw surprised me. When I first met her in 2010, I met a woman who had already decided to live a positive and forgiven life in spite of her circumstances. I experienced a woman who was determined to make her life count and a woman who had experienced transformation.

I saw a woman reaching for a new life and reaching for light. In spite

of her death sentence, she was living life on purpose. She had changed spiritually and mentally and was seeking every opportunity to grow and seek reconciliation and forgiveness. Ms. Gissendaner loves her children and worked very hard to rebuild and maintain those relationships. I have watched her resist bitterness and choose an open and positive attitude. I have watched her comfort other inmates and challenge other inmates who felt that rebellion was the only way to live in prison. I have heard her encourage younger and hopeless inmates.

Ex. 10.

Longtime prison ministry volunteer Karen Miller has known Kelly since 2009. Ms. Miller provided these observations:

In the 6 years I have known Kelly, she has been sincere, consistent, and upbeat; she doesn't play games or perform, she lays out her struggles with her family, herself, the staff, other inmates and the institution. She was eager to share good news about her children along with sharing the not so good news that one after another, her appeals had been denied.

She is grounded in her Christian beliefs and acknowledges that God alone is her strength and salvation, and she will share this with all who will listen.

In August 2013, I was visiting some women in lockdown without realizing that Kelly's cell was at the end of the hallway. When I was ready to leave, the officer who escorted me came over and was laughing and shared how uplifted she felt every time she spoke with Kelly. She said..."she is amazing, how she can be so positive living under the conditions she is, makes me wonder what I have to complain about?"

I did not know Kelly before 2009 but I do know her now. I've seen her impact on the staff and the respect the inmates have for her by

the way she conducts herself on the compound. I believe she is a woman who has changed and who acknowledges she would not be standing if she had not surrendered herself to God and let Him take the lead. I have no doubt that she will continue to be a blessing to so many people, and I pray that you will grant her clemency and commute her death sentence.

Ex. 20.

Dr. Jennifer McBride, one of Kelly's professors in the theology program she completed, describes a conversation she had with Kelly about a book "discussing healing and restoration as the act of facing our memories, 'the ruins of the past,' and building from them here and now. ... 'going back to the memories of the painful, humiliating past and bringing them to redemption in the present ... to Christ [who] comes to repair the devastation.'" Ex. 97. Dr. McBride observed:

Kelly has done, and continues to do, this incredibly difficult work. She has gone back to her painful memories, taken responsibility for them in the present, and showed profound remorse about whom she had been and what she had done. Indeed, the power of these moments, where Kelly looked me in the eye and confessed concrete sins, will stay with me forever. The depth of her spiritual growth in prison has been visible and concrete.

Ex. 97.

Dr. McBride further poignantly describes Kelly's spiritual life and transformation:

Kelly's faith rests not on what German pastor-theologian Dietrich Bonhoeffer calls "cheap grace" - an appeal to God's forgiveness as "a cheap cover-up for one's sins, for which one has no remorse and ... even less desire to be set free." Rather, Kelly's faith rests on "costly grace," the call to rigorously follow Jesus in a way that leads to continuous transformation. Although Kelly had already grown spiritually in significant ways prior to the theology program, I had the joy of witnessing how loving God with one's mind can lead to profound growth - I even had the joy of watching her be amazed by how much she has grown!

Ex. 97.

Many others who have been with Kelly day in and day out attest to having seen these attributes over the course of her imprisonment.

Through her evolving faith in God and her own difficult struggle to confront her profound brokenness, Kelly has become a living witness of redemptive power. "Therefore if any man be in Christ, he *is* a new creature: old things are passed away; behold, all things are become new."

2 Corinthians 5: 17. To illustrate her transformation, we have spoken with as many people as possible who can convey the force of God's grace and mercy in her life. If we have failed to offer enough testimony to demonstrate this, please grant us additional time to adequately convey the person Kelly Gissendaner is today.

II. Kelly Gissendaner strives to live a life of faith and service as part of her spiritual journey .

Over the past 14 years, I've come to know that I have a great responsibility to live my life and serve others as best I can to honor Doug's memory and the person he was. I strive every day to "pay it forward," to try to make a positive difference in the world. I try to use the life and light God has given me to help those around me in whatever ways I can.

--Kelly Gissendaner, Ex. 1

A. Kelly Gissendaner's support to other inmates in turn supports the prison as a whole.

1. Observations of Department of Corrections personnel

Many officers, administrators, and volunteers have spoken at length about the positive influence Kelly has on other inmates, especially those who are troubled and in need. She has done this by listening with compassion, offering a figurative shoulder to cry on, defusing anger and bitterness where possible, and sharing food and other things as simple as a cup and bowl. At the other end of the spectrum, numerous officers and inmates talk about how Kelly has prevented suicides, both by ministering to those considering taking their lives and by alerting officers to those she believes might be in danger of carrying out such a plan.

In addition to the direct benefit of promoting peace and calm for those individuals with all these varied needs, Kelly's actions help on a

broader level by keeping the prison community safer and more secure.

Because she behaves respectfully towards officers and inmates, and because she herself is respected by officers and inmates, everyone at the prison benefits significantly.

Despite her heightened security classification and difficult living situation, Kelly has made an impression on the correctional staff as a calm and respectful inmate, setting an example for the inmates around her. As her former warden at Metro State Prison, Vanessa O'Donnell (2001-2004) discussed, the security protocol surrounding Kelly's incarceration meant that she faced a unique isolation. Speaking about Kelly, Ms. O'Donnell said, "I found her polite and respectful, asking for little but a moment of time to escape the isolation she endured through those years." Ex. 6. Ms. O'Donnell explained that during her tenure as warden, Kelly did not have major disciplinary issues, recalling that she did make attempts to talk with other inmates through vents or plumbing, but noting that "[a]ccording to the officers, she offered words of encouragement and shared spiritual guidance." Ex. 6.

Kelly's former Deputy Warden of Care and Treatment at Lee Arrendale, Sheila Bracewell, observed that she is "one of the good ones":

Kelly Gissendaner was always a model offender who kept a positive attitude at all times. She was always pleasant to talk to and served as a positive role model for those inmates who were in Administrative Segregation on her range. She also never minded speaking with any visitors or tour groups that visited the prison. ...

Her spirituality was very important to her and she always enjoyed telling you about her walk with God. ... Prior to working for the Department of Corrections I worked as a peace officer for eight years so I came into contact with some very bad criminals. My instincts have always guided me on reading people and their intentions, bad or good. Kelly Gissendaner is one of the good ones.

Ex. 8.

Captain Timothy Nichols was involved in supervising Kelly upon her arrival at Lee Arrendale in 2011, and from 2013-2014 "assumed a more active role in her supervision" as Chief of Security. Ex. 16. Captain

Nichols reported:

It has been my experience that [Kelly Gissendaner] has maintained a positive attitude and a respectable attitude toward fellow inmates as well as staff. In fact, I observed her always conducting herself in a respectable manner to those around her and especially those in authority. My observations were that her activities have always been appropriate.

Id.

These observations of Kelly's attitude were made not just by those in highest authority, but by the correctional officers who supervised Kelly on a daily basis over the years. Correctional officer Betty Hodges, who served

in the Department of Corrections for 25 years, knew Kelly from the time she arrived at Metro State Prison in 1998 until Ms. Hodges's retirement in 2010. As Ms. Hodges described:

I have known many inmates and I can honestly say Kelly Gissendaner was one of the most respectful. Even though Kelly was considered the highest security level, I wish all inmates were like her. She was always respectful to me and never once caused me or any of the other officers I worked with any problems. I also never heard an officer complain about her being a problem. She helped to make the range less disruptive and more tolerable.

Sergeant Barbara Davenport monitored Kelly for seven years at Metro State Prison and remembered that while Kelly's disciplinary record was not unblemished, it would be surprising to find an inmate living in Kelly's range who was without a single disciplinary report. Ex. 12.

Sergeant Davenport described Kelly as "humble and respectful" rather than someone with "volatile, manipulative tendencies," explaining:

As a transport officer it was my job to ensure the safety of society, my fellow officers and other inmates. I greatly enjoyed my work and did not take my responsibility lightly. I have been attacked by inmates, seen volatile situations quickly escalate, and know the damage that certain inmates can cause because of their violent unstable tendencies. I personally monitored Kelly Gissendaner for seven years and want the Board to know Kelly Gissendaner is not one of those inmates. She is exactly the opposite. She is the type of inmate we need in our institutions...

If an inmate or officer was considered a problem there would be

chatter about it on every range and in every building. I never heard officers or inmates speak anything negative about Inmate Gissendaner. It was exactly the opposite. Inmates looked up to her and officers appreciated the calming effect she had on the problematic inmates on D range. ...

Id.

Sergeant Karen Lopez worked at Metro State Prison for 17 years, meeting Kelly the first day she entered there and seeing her several times weekly until Kelly's transfer to Lee Arrendale:

The first thing I remember about Kelly Gissendaner is that she was always respectful to me and to the other officers. She was a very humble person and respected authority. Since she was UDS she had to be more strictly monitored and she was not allowed to mingle or have any physical contact with other inmates. I watched Ms. Gissendaner many times and she was always compliant with my requests and the requests of other officers. She had absolutely no privacy and was housed in a loud disruptive building; however, she consistently followed orders and remained respectful.

During the time that she worked at Metro State Prison from 1994 to 2010, Lieutenant Marian Williams was an overseer of Kelly's range.

Because Lt. Williams typically worked the second or third shift, she was the highest ranking security officer at the prison after the Warden and Deputy Warden had gone for the day. Lt. Williams recalled that though she often went into Kelly's cell to discuss the Bible with her, she was

"never concerned for [her] safety. She always gave [her] the utmost respect

24/7.” Ex. 14. Lt. Williams conveyed that when Kelly had minor run-ins with the correctional staff, she admitted that she was in the wrong and offered an apology:

I watched Kelly Gissendaner for more than ten years and she was always a security risk because of her death row status, however, the person, Kelly Gissendaner, was not a security problem. Sometimes she had a bad day and would mouth off to one of the officers and sometimes my officers would have a bad day and mouth off to her. She was always willing to apologize when she was wrong. She was never violent or assaultive during my shifts nor did I ever hear of any of this type of behavior.

Ex. 14.

Significantly, Kelly’s behavior is exemplary not simply because she has been a model inmate. Kelly is a unique asset to the prison because she has reached out to the troubled inmates around her. Once again, how these things occur in practice is best described by those who have observed them. As those to come before this Board have described in detail, Kelly’s displays of compassion have ameliorated many of the problems they face daily as correctional officers, including inmates who are volatile, assaultive or suicidal.

Lt. Williams explains:

Kelly helped keep D building safer for my staff and other inmates.

She also helped reduce liability exposure to the Georgia Department of Corrections by having a calming effect on violent and suicidal inmates.

Kelly was housed with some of the most violent and problematic inmates in the segregation unit. Many times when mental health inmates would decompensate and get off the chain, they would be placed in the lock-down unit close to Kelly. I recall two sisters who were particularly bad when they got off the chain. They would kick, hit, spit, throw feces, bite, scream at the top of their lungs, cuss the staff, and smear feces all over their cells ... the worst nightmare for any officer to deal with. Most of the time those ladies would listen to Kelly and it certainly made the lives of my officers easier and safer. She would talk to them and get them calmed down. They almost always listened because Kelly had been a friend to them. Sometimes they would yell back at Kelly but by the time of lights out they would be saying we're sorry and we love you Kelly. Many of those inmates had no family support of any kind. Kelly always shared her food with those folks. She would send noodles, cookies and coffee to them. When those sisters knew someone cared for them they always seemed to be better behaved.

Metro was the diagnostic prison for women. ... Some of the women had severe mental health issues and would try to harm themselves. If they attempted suicide, they would be placed in the D building lock down unit. The other inmates could see when inmates were being escorted across the yard with cut up bandaged arms from attempted suicides and would yell out to Kelly about it. Kelly could talk to those ladies and offer them some sort of hope and peace. She would tell them to stop hurting themselves and to let someone help them. They looked up to her and respected her. I recall one inmate who had significant problems adjusting wanting to stay in the lock down unit close to Kelly even when she could have the freedom of general population. Kelly was like a caring mother to many of them.

Ex. 14.

Officer Betty Hodges, the 25 year veteran of the Department of Corrections described earlier, told of similar experiences:

D range housed some of the problem inmates. I recall on one occasion one inmate was cussing and screaming at me in a very assaultive manner. Kelly bellowed out to her and got her attention and told her you are not going to disrespect Ms. Hodges in that manner. Kelly was able to talk to that inmate and I never had another problem with her.

D range also housed the mental health inmates. There were times when we would have a full range and one upset screaming inmate would get the other inmates stirred up. I don't know how Kelly did it but she could talk to them and calm them down. The inmates respected her and listened to her when she talked to them. I remember one especially difficult situation when an inmate on D range wanted to hang herself but Kelly talked her out of it. Kelly set a good example for all the inmates she came into contact with.

Ex. 13.

Veteran corrections officer Karen Lopez echoed these experiences as well:

The other thing I remember about Ms. Gissendaner was her positive influence with mental health inmates. She was housed in D building which was one on the Mental Health Buildings. It housed inmates with serious mental health issues. Suicides were a serious problem while I was at Metro. Five to six women were successful at killing themselves. It created a very difficult and stressful situation for staff and inmates. Ms. Gissendaner helped to prevent several suicides by alerting officers about inmates who were self-mutilating or becoming increasingly more agitated and destructive. Ms. Gissendaner could also speak through the bars to these troubled inmates and they would listen to her. She helped prevent several suicides. Many officers have reported to me Kelly was a tremendous help to them

with some very difficult inmates.

Working as an officer inside a prison is like being on the front lines. It can be very traumatizing. You never know what you are going to encounter day to day. There are always opportunities for violence or even death to occur. Ms. Gissendaner was not perfect, but her lapses were minor, and her help preventing suicides and otherwise helping staff with mentally ill inmates was extremely important. She has been an asset to the Department of Corrections while she has been in prison. I ask that you please spare Ms. Gissendaner's life so she can continue to be that positive influence to so many troubled and difficult inmates.

Ex. 15.

Officer Faye Roberts met Kelly only recently, in July 2013, after she began working at Lee Arrendale. She offered these observations:

I watched [Kelly] reach out to scared, terrified young women and assure them that they could survive and could use their time in prison to become better human beings and to find peace. The other inmates really listen to Kelly when they will not listen to anyone else. She has talked sense into many of them when they are acting foolish or crazy. ...

I know one of our lifers that told me herself that Kelly saved her life when she first came to our prison. She had no outside support and prison is hard without that. Kelly brought her a cup and bowl and sent them to her. She then began eating and for the first time started talking. Later she was going to commit suicide and Kelly talked her through it. Now that inmate has passed that on to other inmates so there is a positive trickle effect. Kelly touched one and in turn has touched many more. Kelly has also numerous times had other inmates who were struggling with issues placed near her for her to mentor by the upper administration. I specifically recall one woman who lost her father and was almost uncontrollable. She too was

placed near Kelly and in her kind and loving mentorship helped to stabilize that woman.

Inmates are fed only twice a day on holidays and weekends. There are a lot that are hungry. If Kelly knows it on her range she shares her food. It may not seem like a lot to many people on the outside, but hungry inmates can be very difficult to deal with. Her acts of kindness helped me to keep peace on our range.

Kelly is a Christian but she doesn't preach to the inmates. Her actions speak to her Christian life. If an inmate wants to speak with Kelly about God, she is more than willing to share. The women respect and trust her and know she is a real Christian. Her witness has been an amazing beacon in a very dark place. Kelly touches everybody that comes on that range. The kindness and witness she shares with inmates in lockdown has a positive ripple effect. All those women touched by her goodness take it out into the prison when they are moved out of lockdown. I hear many inmates talk about Kelly's example far from the lock down area.

Ex. 9.

Officer Roberts further relayed Kelly's assistance to her personally, as a new officer who was not versed in "all the ins and outs of running a range":

Fortunately, Kelly did not choose to take advantage of my lack of knowledge and use it against me or for herself. Instead, if she saw I was forgetting to do something or failed to do something she would tell me, "Mrs. Roberts you might want to do that a different way or talk to the superior officer about that situation." When I would check with my superior officer about it, Kelly was always right. She kept me out of a lot of trouble and reduced the risk of any potential problems on the range. If she did hear of other inmate problems that might be rising she would also let me know so that in many instances

I could stop things before they happened.

Id.

Over the years that she served as Kelly's chaplain, Chaplain Bishop also saw Kelly's positive influence on the other inmates and the larger impact of her consistent attempts to serve others:

Ms. Gissendaner is a valued member of this religious community. I have personally experienced her giving hope and spiritual support to other women who were going through difficult times. I have witnessed her doing this not just occasionally, but consistently, especially to those who were in the lockdown areas. These women definitely needed correction and encouragement as the women located in the lockdown areas closest to her cell were there for major infractions and misbehavior. In spite of the gravity of her own situation, she has made a major positive impact not only on individual women, but on this entire prison population. She has come to a place in her emotional and spiritual growth where she deals with her situation and sentence with dignity and grace, and at the same time, she has given witness to a God who has forgiven her and who is sustaining her in the midst of bearing the consequences of her own actions. She is prayed for and cared for by her fellow prisoners here at Lee Arrendale. Many of the inmates keep her on their prayer lists and call her name often in public and community prayers.

Ex. 7.

Lt. Williams similarly spoke of how Kelly's devotion to serving those around her in turn "made the job safer" for her and the other staff:

I have never written a letter to the Board of Pardons and Paroles for an inmate. I have prayed and I feel I must speak on her behalf. Kelly

Gissendaner is a peacemaker and has many times made the job safer for me and my staff. It would be a horrible loss for the Georgia Department of Corrections if Kelly Gissendaner is executed. I humbly ask the Parole Board to please take these things into consideration and to please commute Kelly Gissendaner's sentence from death to life in prison.

Ex. 14.

Warden Brooks Benton, the former Deputy Warden of Care and Treatment at Lee Arrendale, interacted with Kelly on a daily basis after her arrival at Alto. Ex. 5. Warden Benton was confident that if Kelly is spared from execution she would continue to be a beacon of hope to the other offenders in custody:

[Kelly] was always positive and an inspiration to be around.

... I believe that inmate Gissendaner could be a benefit to other inmates in prison if given the opportunity. She would be able to interact with the other inmates on a positive level spreading her testimony on where God has taken her from and where he is leading her. I believe that she has changed for the best and whether or not she is granted this request, will continue her spiritual walk and hope wherever and however she can.

Ex. 5.

As Warden O'Donnell explained, if Kelly is spared, she is uniquely positioned to help other inmates in a way that few others ever could:

Although I understand the severity of her conviction, nevertheless, it seems appropriate, in this case that her 17 years of isolation warrants

a commutation permitting her to spend the remainder of her life serving as an example to fellow inmates. She can provide hope to the most desperate female offender in a manner no one else could possibly understand.

Ex. 6.

2. Observations of inmates

Not surprisingly, many inmates and former inmates also wanted to write to this Board in support of Kelly. To date, we have received letters from dozens of current and former inmates who were incarcerated at Metro and Lee Arrendale State Prisons with Kelly. See Exhibits 43-83.

Recently, we have been contacted by even more former inmates who knew Kelly and want to tell the Board about how she has been a source of support and inspiration for them. We will offer these as supplemental materials as we receive them. The excerpts that follow provide a glimpse into the testimony of Kelly's peers since she has been incarcerated:

Kelly was a hero to all of us. In the numerous discussions about her on the campus, the facts of her crime faded into the background as inmates highlighted Kelly's present day behavior and mindset as inspiring. Walking past SMU where she is housed, inmates would yell and say "Hello Kelly" and identify themselves. She would respond, "Are you behaving yourself? I do not want to hear you are in lockdown!! Don't let me catch you up here. I miss you but I do not want to see you."

She always had something positive to say to especially the worst

behaved inmates. ...

She was always joyful and would laugh at jokes. She was more serious in the theology classes, but even there, she was always encouraging to the women. She would tell younger inmates, "I am proud of you for being in the theology program." These younger inmates would glow with her approval. We all were star-struck when Kelly came in the room. We all wanted her approval and her attention. We wanted this because we looked up to her, not for her crime, but for the life that she continues to live out as a person that has integrity and value in spite of her death sentence.

Ex. 43, letter of Iyabo Onipede.

She is someone who we all have come to admire. She has taken her situation and made the best of it. And it's something that you can't help but to notice. ...

[W]hat has always stood out the most is how [Kelly] treats the officers and other staff members. She is very respectful and always encourages everyone else to show the same respect. You would expect her to be bitter or maybe to blame everyone else. She is totally opposite. She sets a good example for everyone. It's very easy to give up when you're in this situation, but we always have Kelly to encourage us. She is always positive and pushes us to do right.

Ex. 58, letter of Latasha Baker.

Lee Arrendale houses some prisoners who are under the age of 18 who are sometimes placed segregated cells. Many members of the Department of Corrections administration and staff spoke of Kelly's influence on young prisoners. One of those young women, Keisha Rhodes, was housed near Kelly and described Kelly's effect on her:

I'm 18 years old. Kelly has really made a great impact on my life. She shows me a love that my mother didn't show me...She is a very good influence on my sister and the rest of the juveniles that's housed here.

When I wanted to give up, she wouldn't let me, she treated me just like I was her own child. So I started calling her Mama Kelly, I would come up and see her we would talk about my goals and how to ignore or should I say get over the hard obstacles in my life. When I would see my Mama Kelly she always made me smile. And I know God put her in my life for a reason...

Ex. 52, letter of Keisha Rhodes.

Ms. Rhodes is one of many young women who refer to Kelly as

"Mama Kelly," and another is Valerie Carter:

Kelly is one of the sweetest, loving, strong, talented women I have ever known. I have never seen Kelly angry, nor have I heard her complain. She always has words of encouragement and wisdom to offer other women that are going through nearly as much as she is. Kelly really cares for the women she mentors. I have met several young women that have had the chance to know Kelly and they refer to her as "Mama Kelly." I simply ask that you please extend mercy to this remarkable woman and let her live. Her life has so much value and she has so much to offer her community. I didn't know Kelly as the person she was at the time of her crime but I do know she is an outstanding person today.

Ex. 47.

Kelly's influence extends past the women she mentors directly, creating a ripple effect across the prison. Tracy Harley, a fellow prisoner, explains:

I have had the opportunity to assist with the orientation process for the new intakes during my sentence. Over the years, I have used Kelly's positive influence on my life as an example for and an inspiration to those coming into the system desperate for some sign of hope to help them hold on instead of giving up. They see that even in the darkest of circumstances, one can find light and do positive things. These ladies can start to believe in themselves and their chance for a future, which is something many of them never had or lost upon becoming incarcerated.

Kelly may not be perfect, but none of us are. Instead, we are all a work in progress and Kelly has accomplished so much in spite of her circumstance and has used her time not only to better herself, but others as well.

Ex. 49.

As noted in the section above, Kelly has provided counsel to several women who were considering suicide. Sierra Burns, a woman who was sent to Arrendale at age 17, wrote to the Board to describe how Kelly lifted her out of one of her darkest moments:

One day I was sitting in my room and thought that that was it for me, right as I was about to do something I would've never had the chance to regret, Kelly...asked was I alright...I don't know if whoever may read this letter believes in God or even signs for that matter, but for me, that was my first in prison. I believe Kelly was my guardian angel that day, my voice of reason, and I needed that. For Kelly, I am so thankful and grateful. She has made me look at life in a whole new way, with a whole new beginning. Kelly has showed me that even when faced with indescribable circumstances you still have so much to live for. So many people and things to love, to love about life. Every day is a gift and it is to be cherished. I have a newfound hope, this is just my end to a new beginning, and honestly it took Kelly for

me to realize that.

Ex. 46.

The depth of Kelly's faith inspires the women around her. She leads not by preaching, but by example and through encouragement:

I am blessed to have met Kelly. Her faith and her positiveness has made profound difference in my life, especially spiritually. Because of the positive examples she sets, she has been a role model to people like me. Even from "the row" she leads by example and she has touched lives in significant ways that she doesn't even realize. Without her light shining, this world would be a bleak place.

Ex. 48, letter of Courtney Cunningham.

Through the years at Lee Arrendale I have had the chance to be able to talk to Kelly at church. She is so strong in her faith in God. Kelly encourages everyone to never give up. God is in control. She often tells me, as sisters-in-Christ we can change others' thoughts of negative to total positive. If we stay focused on the good things in life, no matter what we are facing, God has a miracle in store for us.

I am grateful Kelly listens with her heart and it shows in her actions. She is a light to many ladies. Kelly is a servant of God.

Ex. 50, letter of Debra Post.

Kelly played a major part in me continuing my education by applying to receive my theology certificate. She made me realize that I can't give up on myself when everyone else has already given up on you. Any time I have questions about the Bible or my beliefs, Kelly takes the time to explain it in a way that expand my way of thinking to see beyond the words to grow... Words can never express my thanks to her, so I vow to give my all to gaining a higher education in theology to one day give back to someone what Kelly Gissendaner

has instealed in me: A Fire and Determination to be the best I can be no matter where I am.

Ex. 51, letter of Kimberly Pugh.

3. “Good behavior is a lifestyle in prison. Kelly lives that lifestyle.”

The above observations offer a compelling look at Kelly Gissendaner’s daily life as seen through the eyes of prison personnel and fellow inmates uniquely able to witness and comment on her routine, her demeanor, and her impact on those around her. This contextual view demonstrates its authenticity: an inmate cannot falsely maintain such good behavior and goodwill toward others over the sustained and lengthy period of time these individuals were with Kelly -- every hour, every day, every year for over 16 years. The substance of what those closest to Kelly have observed makes clear that her respect for others, her inspiring faith, and her willingness to help in whatever ways she is able have had a significant impact on the lives of many people at both prisons in which she has been incarcerated.

B. Kelly Gissendaner’s outreach to others has extended beyond the prison walls through her participation in prison prevention programs for at-risk youth.

One of the most profound ways in which Kelly has chosen to use her unique perspective on prison, and the lessons she has learned through her theological studies, is by speaking to troubled youth who visit the prison. Her role in these programs is entirely voluntary; the prison does not require it. Kelly chooses to do so because she wants to make a difference in the lives of those kids. She wants to make sure that they have the tools to see that they can live a worthwhile, law-abiding life. Ex. 32. Those who have witnessed her interactions with these students and the students themselves all attest to the difference her interaction is making.

Gretrell Watkins directs Prison Prevention Ministries (PPM), a youth ministry aimed at providing children with the tools and information necessary to change negative behavior and become productive members of society. Many of the children in the program have engaged in criminal behavior, and are headed for a life in prison. Kelly speaks with these students about life in prison, the crime she committed, and the tragic decisions she made, and lets them see firsthand how they alone can change the paths of their lives. Ex. 32. Mr. Watkins has been taking students to speak with Kelly since 2001, and he talks about what a tremendous asset she is to his program and the students, and what a big disappointment it is

if she is unavailable to meet with them because of the impact she makes on the children. *Id.* Mr. Watkins colleague, Michael Robertson, echoes this sentiment, having also witnessed the changes his students have made because of Kelly's presence and testimony. Ex. 33.

Veteran police officer Marc Easley, who now teaches criminal justice at Dalton State College, has worked with Mr. Watkins since the early 1990s and also has taken many students to speak with Kelly. As a former police officer, Mr. Easley has interacted with many criminals and is accustomed to hearing excuses from them which avoided personal responsibility. Kelly, however, was different:

Kelly wasn't angry, she wasn't in denial and she never once even hinted that her reason for being in prison was anything but of her own doing. Kelly, to what I am sure was the horror of her defense team, always accepted full responsibility for her actions. Never the fault of the police, her attorney, a Judge or jurist, and particularly not the fault of her victim, Kelly always admitted to and took responsibility for her crime...This was new ground for me.

Ex. 31. Because of her willingness to accept responsibility for her actions and speak frankly about her situation, Kelly was able to reach the children and help them see the potential consequences of their actions and resulting impact on their lives. Mr. Easley made it a point to take his students to see her each time they took a prison tour.

It is clear from the many statements of those working in these programs that Kelly's desire to interact with the children is borne of a real desire to help them learn how to thrive in the world and avoid a life of crime and wrongdoing. Perhaps it is her straight-up, no-nonsense manner and her willingness to be honest about the crime that she committed that causes the students to listen to her. Most impressive to Mr. Easley was how Kelly's straight-talking down to earth style resonated with the students and left lasting impressions.

As part of his PPM, Mr. Watkins and his colleagues follow up with students to learn how the prison tours affect them. He provided notes relating student comments between 2005 and 2009, all of which state that the individual who had the biggest impact was the woman on death row (Kelly). Ex. 34.

One of Mr. Easley's college students, Alex Martin, brought her sixteen year old sister to meet Kelly specifically with the hope that Kelly could help her understand that the choices she was making were not good. After that visit, Alex's sister changed her approach and started doing well in school and staying out of trouble. Alex credits the conversation Kelly had with her sister as the catalyst for changing her sister's life. Ex. 36.

Another student, Lisa Casteel, appreciated Kelly's openness and honesty for encouraging them to "avoid poor choices that would land us a spot in a prison cell." Ex. 35. Ms. Casteel was very frank about her feeling that Kelly's work with students was "making a difference in society." *Id.* Ms. Casteel is a shining example of that difference. After visiting Kelly when she was in 8th grade, she credits Kelly with teaching her about how her negative decisions were affecting her and her family, inspiring her to finish school and pursue her dream of a career in the dental field: "I want Ms. Kelly to know that her work from prison is not in vain. We are representing her great influence in the free world by turning our lives around, volunteering our time, and paying it forward every opportunity we get." *Id.*

Those within the prison also have seen the impact of Kelly's work with these youth. Betty Hodges, the corrections officer who knew Kelly from the time she entered Metro until Ms. Hodges retired in 2010, talks about watching Kelly with children in a Scared Straight program. Kelly would explain to the children the realities of life in prison, and the need to listen to their parents and get an education so that they did not end up like her. Ms. Hodges saw and appreciated the difference that Kelly made in

these children's lives. Ex. 13.

Teachers and counselors who accompany students on the PPM prison tour also attest to the sincerity of Kelly's involvement with the students and the impact this has on them. Romona Goines, a teacher from Brown Middle School, remarks about the power of Kelly's message, heeded by many of the children:

She encouraged them to have respect for themselves and reduce the breeding ground for becoming involved in future criminal activity. She emphasized the importance of respect for rules and the law. Kelly admitted that she didn't have all the answers, but in order for students to avoid being channeled into the prison system they needed to look towards what is needed to become successful in society and find ways to implement / get involved in systems to support that. In addition, she further encouraged them to stop the blame game and look for ways to make things better, such as finding constructive ways to deal with issues without blaming parents, teachers, peers, or family members. She cautioned that blaming makes us feel good because then it isn't our problem - it is someone else's fault. Students were urged to be open to learning from others that have gotten into trouble or have life experiences they can benefit from. She encouraged us all to step up and work together to make a positive change - volunteer - be a good example - make a difference in someone else's life! Most importantly, Kelly encouraged them to visualize themselves actually graduating and becoming successful adults.

Ex. 37.

Margaret Gregory, a counselor at the Lookout Valley High School

and Middle School, also talks about how candid Kelly is when she interacts with students and answers questions about her life, the crime, her situation in prison, and how she ended up on death row. Ms. Gregory's students often come from impoverished backgrounds, or backgrounds of domestic violence, and Kelly speaks about how they are able to take the straightforward message they get from Kelly and apply it to their life situations. Ex. 38. Ms. Gregory's students both benefitted directly from their conversations with Kelly and they then spread that message to others by sharing their knowledge and experience with other students. *Id.*

Kelly is passionate in her desire to help these children, fully aware of the damage they can do by failing to take responsibility for their actions. She takes her role in the lives of these children very seriously. Lisa Logan, a teacher at Ringgold High School, saw this in Kelly after one of her interactions with a group of children. Kelly had raised her voice at some girls to make a point. Ms. Logan described what happened next:

When the last girl had left the area, [Kelly's] face immediately softened and she looked at us and said "do you think I made a difference?" When I told her that I hope so, she said "me too, I hope I never see them again." She said that with so much sadness in her voice that [s]he made me want to cry too.

Ex. 40.

Kelly's work with these children is making a difference. Gretrell Watkins has had the opportunity to witness this many times over the thirteen years he has taken students on prison tours to speak with Kelly.

The Corrections officers stated that Kelly didn't have to talk to the students but that she did so because she wanted to make a difference. And a difference she has made to the 1000+ students on 70+ tours made through these prison. We do one on one follow up with all of the kids who go on the prison tours and hear from them about the changes they are making and what impacted them. Hearing from Kelly on death row, who is telling them that they need to make good choices now, really made an impact on these kids and served as a wake-up call and turned many lives in the right direction.

Ex. 32.

Kelly knows that she cannot take away the pain she has caused to so many. But through her work with these children, she hopes to "pay it forward" by making a difference in the lives of others. She prays that she might be able to save some other family the pain that she has caused her own extended family. As Mr. Easley aptly summarized, "Simply put, the message she brings has and will continue to change lives for the better."

Ex. 31.

C. Kelly Gissendaner has grown in her faith through her theological studies.

Over the course of her incarceration, Kelly has nurtured her faith through intensive theological study and reflection. She began more formal coursework nearly a decade ago when she was given the opportunity to participate in the Emmaus Bible College's correspondence program. Ex. 85. Between 2006 and 2009, Kelly completed 13 correspondence courses. *Id.* In 2009, the Atlanta Theological Association (a consortium of four theological schools and seminaries) founded the Certificate in Theological Studies (CTS) program at Metro State Prison in Atlanta with the goal of preparing incarcerated women to serve the church as lay leaders in prison and, if they earn their release, in their communities. Kelly was permitted to enroll in the fledgling program and eagerly joined the first class.

The CTS program is an intensive, year-long learning experience requiring students to complete foundational courses in biblical and theological study, three electives, and an individual project. The program consists of five courses, including two foundational courses: introduction to theological studies and introduction to biblical studies. The introduction to biblical studies course provides an overview of the Bible and explains

different methods of approaching and interpreting Scripture.

Kelly fully immersed herself in theological study, and she flourished.

As Cathy Zappa, one of her theology professors, explains:

[I]n the study of theology, [Kelly] has found a venue for reflecting on her own experiences, mistakes, relationships, dreams, and faith – a place where she can begin to make sense of the tragedies and despair she caused, as well as the strength and courage she has experienced and that she sees around her.

Ex. 17.

Six months into the program, however, an administration directive precluded Kelly's participation in group theology classes and she began meeting with her instructors one-on-one. Reflecting on that period in her 2011 graduation speech, Kelly noted:

Since I couldn't go to the theology class, the theology class came to me. ... [T]his was far from ideal because I had to have class and community through a gate. It was hard ... but I pushed on ... [the] gate at Metro was meant to keep everyone and everything separated from me. But that gate couldn't keep out the knowledge that I was hungry for, nor friendship and community. And it sure couldn't keep out God.

Kelly's enthusiasm for her studies never waned. For her elective courses, Kelly chose Prophetic Preaching, Human Development and Pastoral Care, Theology of Jurgen Moltmann, and Ethics and Women.

Hannah Ingram, who taught Kelly in Ethics and Women, recalled the

experience of meeting with Kelly individually:

[T]he person I met surprised me with her warmth, curiosity, and her eagerness to use what she learned to make the world better. ... Each week, she received us having prepared for our visits by reading and compiling questions she wanted to discuss while we were there. Because she was nearing the end of her certificate year, she was always responsible for a self-directed project. She committed herself to creating a devotional from what she had learned because she wanted to impact others. She inspired me with her work and her openness, as well as her dedication to opening herself up to others so they might be encouraged. ... She would frequently share her thoughts and writings with me and other instructors, eager for feedback and collaboration. She wanted so badly for her work to mean something to people other than herself. And it did.

Ex. 26. For her final project, Kelly created a ninety-day devotional entitled "A Journey of Hope," meant to reflect on her journey and inspire others.

Kelly completed the CTS program from within the four walls of her cell, earning her certificate in theological studies in December 2010. Ex. 17, 85. She was selected as the student speaker at the graduation ceremony in October 2011. During her speech, Kelly expounded on the theme of hope:

The theology program has shown me that hope is still alive...no matter the label attached to me, I have the capacity and the unstoppable desire to accomplish something positive and have a lasting impact ... Even prison cannot erase my hope or conviction that the future is not settled for me, or anyone ... I have placed my hope in the God I now know, the God whose plans and promises are made known to me in the whole story of the life, death, and resurrection of Jesus Christ.

Graduation speech of Kelly Gissendaner, October 28, 2011.

Through her theological study, Kelly developed a relationship with Jurgen Moltmann, whose work she studied in her elective courses. They began writing to one another, developing a rich correspondence. Like her instructors, Moltmann was struck by Kelly's enduring faith and positive spirit:

[As a former prisoner of war], I know that the temptation of prisoners without [hope] to be released is resignation. You become cold and hide your heart behind an armor of ice and cynicism. I was, in my imprisonment after the world war [for] only three years, at the edge of such resignation. But ... in no letter of hers have I found any sign of resignation. She seems to love life.

Ex. 94.

After graduating from the program, Kelly took elective theology courses in every semester in which she was permitted to do so. As Rev.

Zappa recalled:

Kelly was an enthusiastic theology student, grateful for the chance to learn and to discover her own potential. She and I explored many topics together in our one-on-one classes She was passionate about and committed to her studies, always coming with her work done thoroughly and with many thoughtful questions.

Ex. 17.

Kelly used her theology coursework to dig deeper into her past, confronting painful questions and trying to extract something positive from the well of sorrow she had created. Eric Rucker taught Kelly in Nonviolence and Theology in fall 2013:

I was struck by her courage and willingness to reflect on her past, admit her guilt, and make positive changes in her life based on this reflection . . . [V]iolence was pervasive in her upbringing...[but] Kelly did not appeal to her upbringing as an excuse for her crime. She communicated to me that she was guilty; that she had committed a terrible crime. Thus, I saw Kelly admitting her guilt, while also having the courage to reflect on her past actions and resolve to change. And while my course certainly helped in this process, it was clear that Kelly had begun this process of transformation long before I met her.

Ex. 28.

Rucker was not the only instructor who was struck by Kelly's acceptance of responsibility for her crime and her commitment to using her past mistakes to propel her theological study forward. Rachelle Green taught Kelly in a course which addressed the social and theological contributions of women throughout history. "By reading these women's stories and hearing how they took stands for justice," Green writes, "Kelly often told me how her life choices did the opposite. She was so open and

honest in her regret and her desire for other women to be more like the women we were studying: courageous enough to think about the well-being of others when they decided to act.” Ex. 27.

Kelly used her theological study not only to explore her own mistakes, but to use what she learned from her experiences to exhort others to follow a different path. As Rachelle Green writes, “Kelly often talked about the ways she would share what we were learning in class with other women who ended up in lock-down near her premises. Kelly was a voice of reason for them, trying to get them to learn from her mistakes and choose better paths.” *Id.*

Bruce Janzen, a Candler graduate student who conducted his chaplaincy internship at Lee Arrendale, remarks: “In a situation where many people would struggle to find a reason to believe in God, Kelly not only maintained her faith, but also helped others maintain their own.” Ex. 29. Chaplain Janzen recounted an incident in which he went to visit Kelly one day, but she turned him away and directed him to her neighbor. The woman in the next cell had just lost a family member, and Kelly urged him to provide pastoral care to her instead.

As outlined above, this Board has been provided many testaments to

Kelly's positive impact on other inmates. It is clear that she carries the knowledge and solace she found in the theology program into the rest of the prison. As one inmate related:

She is so strong in her faith in God. Kelly encourages everyone to never give up. God is in control. She often tells me, as sisters-in-Christ we can change others' thoughts of negative to total positive. If we stay focused on the good things in life, no matter what we are facing, God has a miracle in store for us. I am grateful Kelly listens with her heart and it shows in her actions.

Ex. 50.

Another inmate, Kimberly Pugh, wrote of Kelly's encouragement in her own theological studies:

Kelly played a major part in me continuing my education by applying to receive my theology certificate. She made me realize that I can't give up on myself when everyone else has already given up on you. Any time I have questions about the Bible or my beliefs, Kelly takes the time to explain it in a way that expand my way of thinking to see beyond the words to grow.

Ex. 51.

Dr. Elizabeth Bounds, Associate Professor of Ethics at Candler School of Theology at Emory University, administers the CTS program. She first met Kelly in 2008, when Kelly was her student in a creative writing class.

Writing about her interactions with Kelly over the years, Dr. Bounds said:

I rarely know the particular criminal convictions of my students except as they may be woven into their written work. But I do observe closely what they are doing right now. My own sense of observing Kelly over several years is that she has changed deeply over her period of incarceration and has focused her life on making whatever positive contributions are possible. Since I have been working for some years in the prison environment, I am well aware of the manipulative strategies of some of those incarcerated. However, I have had or have observed enough interactions with Ms. Gissendaner that I am convinced that the changes in her are genuine. I strongly believe that she can make positive contributions if she is able to be among other lifers. It is my hope that the Division of Parole will give every consideration to this possibility.

Ex. 22.

Summarizing Kelly's experience in the CTS program over the last six years, instructor Hannah Ingram remarked:

Her life since the beginning of the theology program has been fueled by deep curiosity and a drive to learn about God, humanity, and the world. She has committed her life to using what she has learned to make the world better through writing, compiling devotionals, and through friendships that evoke her natural gifts as a pastoral presence and comfort to others.

Ex. 26.

Kelly herself has called the theology program "the greatest journey" she has ever taken:

[T]he theology program...has affected all aspects of my life...because

I was on death row, I didn't have a plan for my life; but thanks to the theology program and the wonderful instructors, I now have a plan. Now I can do nothing but obtain all the knowledge I can through the Bible, theology, and great theologians like my friend Dr. Moltmann.

Graduation speech of Kelly Gissendaner, October 28, 2011.

III. Kelly Gissendaner makes every effort to promote healing and reconciliation with her immediate and extended family.

I pray every day for our children, Brandon, Kayla, and Cody, and for the entire Gissendaner family. I know that I have caused them unbearable and irreversible pain. I pray that God gives them the freedom to live above the darkness and despair I have caused in their lives. I pray that they can find some measure of peace and healing. I hold them close in my heart.

--Kelly Gissendaner, Ex. 1

Criminal violence by one family member against another presents a uniquely difficult situation for healing within that family since the loss is compounded by the simultaneous betrayal of the offender. As Kelly came to truly understand all that she had taken away from those she loves most, she knew that she may well have created a rift that could never be sealed. Not only had she caused the death of her husband, deeply loved by so many, but she also had fundamentally betrayed the trust of their children Brandon, Kayla, and Dakota who were ages 12, 7, and 5 at the time their father was murdered.

As the children grew into adulthood, all of them have experienced anger and bitterness towards their mother, leading each to cut off contact with her for varying periods. Kelly has done her best during those times to give them whatever space they needed, and to refrain from pressuring them to visit or re-establish contact, while also continuing to let them know by mail and occasional calls that she loves them deeply and unconditionally.

Kayla talks about how she would throw away the letters from her mother because she was so angry at her for taking away her father. She was in college and wanted to be able to call her parents to tell them about normal college experiences. After about a year of no contact, her mother suggested that they try specialized mediation assistance (also known as Victim-Offender Dialogue). Although Kayla was wary at first, she agreed to go forward because she wanted answers from her mom concerning her dad's death. When she saw that her mother was truthfully answering those questions and putting forth the effort to mend their relationship, she realized that she wanted to try to have a relationship with her again. Ex. 2.

As Kayla and Dakota express in their letters to this Board, each of them has been willing to undertake the very difficult emotional work of

finding their way “from anger and bitterness to love and forgiveness.” Ex.

2. In Kayla’s words:

I had to face what my mom had done and find a way to forgive her. In the process, I saw that my mom had struggled through the years to come to grips with what she had done and face her own horror about her actions. It was by no means an easy road, but I learned that forgiving my mother was the best way to truly honor my father's memory and who he was. My mother has become a woman full of love and compassion who is striving to become the best person she can within her situation.

Ex. 2.

Dakota explained how after spending years away from his mom, he went to visit her last year after Kayla suggested that he do so:

I told Kayla I was just going to say what I needed to say and be done with my mom. Instead, I had the best visitation with her that I have ever had. And I can’t believe it took me so long to realize that she is really my mom and I love her with all my heart no matter the situation.

During the entire visit with my mom she told me she loved me and asked me what could she do for me. She apologized for all the hurt she had caused me and our family. She was a very different person than who I remembered or who I thought she was. During that visit my life changed for the better. I found a mother’s unconditional love and a strong support I did not remember I had in my life.

Ex. 3.

After reconnecting with his mother, Dakota began to visit her again regularly, driving down from his home in Winston-Salem, North Carolina:

... I have been back to the prison to visit my mom whenever my work and school schedules have allowed. We also write each other weekly. We laugh and cry together. We talk about my work and my classes at school. Mom holds my hand, strokes my hair, and assures me I can do anything or be anybody I want to be. She is my biggest cheerleader. My mom has also been a strong spiritual support to me. She encourages me to look to the Lord and to be a help to the people I encounter in my daily life.

Ex. 3.

Like his mother, Dakota has shared his story and struggles with young people in need, speaking to young boys in a group home at the request of his Sunday School teacher. Many of the boys “have similar backgrounds, a lost or incarcerated parent.” Ex. 3. In Dakota’s words: “I have been working with the kids since I started back visiting with my mom. Her guidance made me see the importance of helping other people in need. It also helped me understand we should all have compassion on the people around us.” Ex. 3.

As she did with Kayla and Dakota, Kelly has given her oldest son Brandon the quiet space to process whatever he is experiencing, while also continuing to write to him to let him know of her never-ending love and care for him. She is grateful that he chose to visit her twice recently, and she is hopeful that those visits have been a helpful and healing beginning

for him. It is Kelly's prayer that Brandon can find some measure of peace despite all that he has been made to endure because of her, and that her journey with him is ongoing.

It is Kayla's fervent hope that this Board will take full account of her wishes as the child of the victim, her father Douglas Gissendaner. It has taken her years of painful emotional struggle to work through the difficulty of her loss, compounded so much more by their mother's role in their father's death. She and Dakota have found the courage and inner strength to forgive their mother rather than to hate her, and they have been guided along the way by their mother's devout faith.

Kayla's personal recovery from all the trauma and pain she has endured is truly inspiring. The plea of this exceptional young woman to the Board, on behalf of herself and her brother, comes from the heart:

My father's murder was the most painful experience of my life. I loved him dearly and cherish every memory of him. My father's death was extremely painful for many people, but I've recently concluded that in many ways I was the person who was most impacted by his murder. The impact of losing my mother would be devastating. I can't fathom losing another parent. My mom and I have such a wonderful relationship, and for the first time, I'm truly getting to know her. My mom has touched so many lives. Executing her doesn't bring justice or peace to me or to anyone. It will only bring more pain and destruction. Please grant her clemency so my brothers and I will not have to face yet another terrible loss.

Ex. 2.

IV. Co-Defendant Gregory Owen, the person who killed Douglas Gissendaner, got a life sentence with the possibility of parole, yet Kelly Gissendaner was sentenced to death.

On February 7, 1997, Gregory Owen killed Douglas Gissendaner.

The state charged Owen and Kelly Gissendaner with the murder. Its theory at trial was that Kelly Gissendaner enlisted and directed Owen to kill her husband, and Owen personally carried out the murder.

Kelly Gissendaner is unequivocal in her remorse and acceptance of responsibility for her role in her husband's murder. Nevertheless, it is beyond dispute that Gregory Owen, not Kelly Gissendaner, killed Doug Gissendaner. There is no question that Owen forced Doug Gissendaner to drive to a secluded wooded area, where he marched him deep into the woods and stabbed him to death. Owen further admitted in sworn post-conviction testimony that unbeknownst to Ms. Gissendaner, he had recruited another individual to help him carry out Doug Gissendaner's murder.¹

¹ Ex. 93, Affidavit of Gregory Bruce Owen, which states in relevant part, "There was a third person involved in the killing. That third person was not Kelly. The police never believed I was the only one either and they

At trial, the prosecution suggested that Kelly Gissendaner not only had initiated the idea of killing her husband, but that Owen was merely her weapon, casting him as Kelly's "attack dog"² and suggesting that he simply followed her direction:

Yes, Greg Owen is the physical killer. Yes, Greg Owen took a knife and stabbed Doug Gissendaner to death. But Kelly Gissendaner is more responsible than Greg Owen She's much more responsible. Greg would not have done this except for Kelly Gissendaner. She got him to do it. ... Greg... was Kelly's weapon in this case. Greg was Kelly's instrument. Greg was her weapon in plunging that knife into Doug Gissendaner pure and simple Greg Owen was nothing but an instrument to Kelly Gissendaner. She used him.

Trial Transcript at 2881.

These assertions by the prosecution simply are not true. Greg Owen recruited a third person to help him kill Doug Gissendaner without ever telling Kelly Gissendaner. Greg Owen also revealed post-trial that Ms. Gissendaner had not provided him with the murder weapon as he had testified; rather, he had chosen and used his own knife to kill Doug Gissendaner. Ex. 93. Greg Owen lay in wait for Doug Gissendaner, made

kept asking me about it. I did not tell them because I did not see any reason to tell them the person's name and I still don't see any reason to tell the person's name." The third person involved in Doug Gissendaner's murder has never been identified or charged for his role in this offense.

² Trial Transcript at 2744-45.

him drive to a remote location, and then marched him deep into the woods along with the third person, and then Greg Owen killed Doug Gissendaner.³

The evidence before this Board makes clear that Kelly Gissendaner, the only person facing execution, is equally or less culpable than Greg Owen. While Kelly Gissendaner is the one who initially proposed killing Doug Gissendaner, it was Owen who planned the majority of the details and the logistics of the attack, which he carried out with the assistance of a third party that Kelly Gissendaner knew nothing about. Yet today, Ms. Gissendaner faces execution. Owen, on the other hand, may seek parole in only eight years.

Greg Owen and Kelly Gissendaner received identical plea offers from the state: life in prison with an agreement not to seek parole for 25 years. Owen accepted the state's offer and was sentenced following his testimony against Ms. Gissendaner on behalf of the prosecution. Ms. Gissendaner was willing to plead guilty, but after consultation with her counsel, she requested a modification of the prosecution's offer: life with parole, but

³ Owen also revealed post-trial that, contrary to his testimony and the State's assertions at trial, Kelly Gissendaner never went to look at Doug Gissendaner's body after Greg had killed him. Ex. 93.

omitting the agreement not to seek parole for 25 years. The state maintained its initial offer, leaving it open until shortly before trial. The post-conviction testimony of Ms. Gissendaner's lead trial attorney, Edwin Wilson, regarding his view of the case sheds some light on Ms.

Gissendaner's rejection of the original offer:

To be honest, I never thought Kelly would get death. I did not think a Gwinnett County jury would sentence her to death even if they believed the state's theory. I guess I thought this because she was a woman and because she did not actually kill Doug. I am sure that this had an impact on how I viewed the plea offer from the state. I do not recall my specific discussions with Kelly about the plea but I am sure she knew I did not think she would get death. I should have pushed her to take the plea but did not because I thought we would get straight up life if she was convicted.

Ex. 90. Plainly, Wilson was very wrong.

In the penalty phase, armed with Owen's testimony, the prosecution argued that Ms. Gissendaner was more blameworthy than Owen.

However, the state's claim that they believe Ms. Gissendaner deserved a harsher punishment than Owen is belied by the fact that they provided both defendants with the *same* offer, as assistant district attorney Phil Wiley conveyed by letter to Wilson approximately one month before trial. Ex. 89.

The facts of this case support a commutation of Kelly Gissendaner's

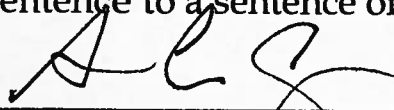
death sentence. Ms. Gissendaner asks that this Board exercise its discretion and extend mercy to her.

CONCLUSION

I have known Kelly for approximately 14 years, and during the time Metro [State Prison] was in operation, visited with Kelly on a weekly basis for approximately 9 years. During that time, I have seen a complete transition from an angry, self-centered prison inmate to a caring, loving, disciple of the Lord. Kelly has done a complete metamorphosis. The person she was no longer exists. The butterfly has left the cocoon.

Ex. 19, Letter of Pastor Dottie Benson.

For all the reasons contained in this Application and appendices, and for the reasons found in the evidence and argument presented at the hearing on this Application, Ms. Gissendaner and her family ask this Board to grant a stay of execution for ninety (90) days to permit the Board to review and deliberate the evidence on Ms. Gissendaner's behalf and exercise its power to bestow mercy and commute Ms. Gissendaner's death sentence to a sentence of life without the possibility of parole.



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