

**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

IN RE GAILE OWENS	)	Shelby County
	)	No. 85-01174
	)	
	)	
	)	

**NATIONAL CLEARINGHOUSE FOR THE DEFENSE OF BATTERED WOMEN  
AND  
TENNESSEE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE  
MOTION FOR LEAVE TO FILE A STATEMENT OF *AMICI CURIAE*  
IN SUPPORT OF GAILE OWENS’  
MOTION FOR A CERTIFICATION OF COMMUTATION**

*Amici Curiae* respectfully request that this Honorable Court grant leave to file a statement in support of Gaile Owens’ motion for relief under Tenn. Code Ann. §40-27-106, the Tennessee Constitution, Article VI §1, and Tenn. Code Ann. §§16-3-503 & 504. In support hereof, *Amici* submit:

1. *Amici* include the National Clearinghouse for the Defense of Battered Women (NCDBW) and the Tennessee Coalition Against Domestic Violence.
2. The National Clearinghouse for the Defense of Battered Women (NCDBW) works to ensure justice for battered women charged with crimes. A nonprofit organization located in Philadelphia, Pennsylvania, NCDBW is committed to ensuring that battered defendants, like all defendants, receive the full benefit of all rights and protections designed to safeguard fair trials, accurate verdicts, and appropriate and proportionate sentences. To this end, NCDBW seeks to educate those involved in the criminal justice system about battering and its effects, so that legal decisions that

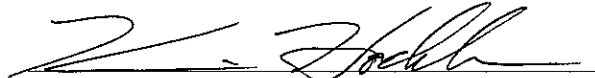
affect battered women defendants are not based on misconceptions. NCDBW also advocates for reforms in existing legal rules and practices where needed to ensure fairness for all accused persons, including battered women.

3. The Tennessee Coalition Against Domestic & Sexual Violence (TCADSV) works to end domestic and sexual violence in the lives of Tennesseans and to change societal attitudes and institutions that promote and condone violence, through public policy advocacy, education, and activities that increase the capacity of programs and communities to address such violence. Located in Nashville, TCADSV is a private nonprofit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans.
4. As organizations that work on behalf of battered and sexually assaulted victims and that are committed to justice, *Amici* are greatly disturbed by the tragic and unjust circumstances surrounding Ms. Owens' case and the fact that she is facing execution. *Amici* strongly believe that Ms. Owens experienced a life filled with abuse, trauma, and profound disappointments and failures – within her family of origin, at the hands of her husband, and, arguably, as a result of the actions and omissions of some of her lawyers and mental health professionals, and parts of the judicial process. Many of these significant facts have never been fully, or even partially, evaluated by any judge or jury, including the jury that had the burden of weighing whether she should live or die. As a result, we strongly believe Ms. Owens did not receive the full benefit of all the legal rights and protections to which she is entitled, and was inappropriately sentenced to death.

5. This statement will assist this Honorable Court in considering Ms. Owens' lifelong experiences of abuse and trauma, and will aid this Court's evaluation of the inadequate investigation and presentation of these experiences, and the subsequent impact on her legal case, particularly at the penalty phase.

**FOR THE FOREGOING REASONS,** *Amici Curiae* ask this Honorable Court to grant leave to file a statement in support of Gaile Owens' requests for relief pursuant to Tenn. Code Ann. §40-27-106, the Tennessee Constitution, Article VI §1, and Tenn. Code Ann. §§16-3-503 & 504.

RESPECTFULLY SUBMITTED,




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**CERTIFICATE OF SERVICE**

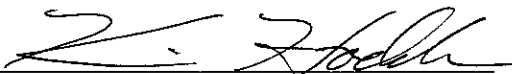
I certify that a true and correct copy of the foregoing Motion for Leave to File Statement of *Amici Curiae* was hand-delivered and deposited in the U.S. Mail, postage prepaid, to the following:

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This 5<sup>th</sup> day of February, 2010.

  
KIMBERLY S. HODDE, ESQ.