AFFIDAVIT OF JAN VOGELSANG, MSW, BCD

Jan Vogelsang, being of lawful age, states the following:

1. I am an adult resident residing at 12 East Earle Street, Greenville, Greenville County, South Carolina, 29609.

2. I am a clinical social worker. I have testified as an expert in family and criminal courts for twenty nine years. I have been qualified as an expert witness in ten states including Tennessee. My cases have included physical, sexual and emotional abuse, neglect, battered women, divorce, custody, termination of parental rights, non-capital crimes and capital crimes. My work history includes experience related to post traumatic stress, family violence, child welfare, family systems, child development, neurological impairments that affect learning, and other areas related to mental health. Among my work history, I spent two years as program director of a shelter for battered women. In that capacity I worked with wives and children who were being victimized by fathers and boyfriends. I testified on their behalf in court.

3. I have an undergraduate degree in psychology from Pepperdine University in California and a masters degree in social work from the University of South Carolina. I am licensed by the South Carolina Board of Social Work Examiners and am board certified by the American Board of Examiners in Clinical Social Work. I have a private practice in Greenville, South Carolina.

4. Clemency counsel for Gaile Owens asked me to conduct a Biopsychosocial Assessment of their client, Gaile Owens. They expressed their frustration that the Courts who had looked at the case had all made the same classic mistake of discounting claims of abuse because Gaile had minimized the abuse at the beginning and because she had been so successful in creating the image of a "perfect family." They asked me to provide my expert opinion as to how Gaile came to be in a situation where she could cause the murder of her husband. In my almost thirty years of involvement in these types of cases, Gaile stands apart. What I found in my evaluation of the case follows in this affidavit.

5. A Biopsychosocial Assessment is a professional clinical social work method of

examining the life history of an individual using numerous sources including interviews, records, consultation or review of the records of other professionals, visual aids, research and literature, community visits and other activities depending on the nature of the case. Conclusions are drawn based on the findings and expert opinions based on those findings are then given in court testimony.

6. A Biopsychosocial Assessment is used in a number of settings, but in court the findings are used to assist the court in the disposition of a case. In capital cases, the assessment is typically used in the penalty phase not as a way of excusing human behavior but in order to shed light on behavior in an attempt to come to some understanding of how the defendant ended up in their current situation.

7. The following is a modified assessment done post-trial and post-habeas proceedings and is based on approximately nine hours of interviews with the Gaile Owens and the review of voluminous documents describing her history from different perspectives (medical, education, employment, psychiatric, etc.).

BIOPSYCHOSOCIAL ASSESSMENT OF GAILE OWENS

FAMILY HISTORY

8. The first step in conducting a biopsychosocial history is to look at the family history. It is important to identify patterns of behavior which often go back for generations. This is true because these patterns of behavior often repeat themselves in the life of the defendant, as they did in Ms. Owens case. Understanding the role of family history in the life of Ms. Owens can shed light on much of her behavior, including how it is that she came to marry an abusive man, and why she was unable to extricate herself from her marriage.

9. The family history of Gaile Owens begins with her father Jewell Kirksey who was born in Tigrett, Tennessee, to Walter Britton Kirksey and Eula Francis Harber. Jewell had two sisters, Elease and Delores and one brother, Marshall. The family moved to Ripley, Tennessee and Jewell considered Ripley his home.

10. Gaile's mother, Izora Nichols, was born in Byhalia, Mississippi, to James Nichols and Willie Louise Nichols, but while she had family in Mississippi, she considered Memphis, Tennessee her hometown. She was the youngest of seven children (Vardeman, Benny, Linnie Mae, James Augustus, Aubrey, and Elnora). Two of her siblings died in childbirth. Izora knew nothing of her father as her parents divorced when she was very young. In fact, Izora was still an infant when her father abandoned the family.

11. While Izora attended high school, it was not known if she graduated She was described as uneducated and not very intelligent. She was "small-minded," and focused on her medical problems (both real and perceived). Jewell was described as "a mean-spirited man" with a "wild temper," who had a hard life as a child. His father was known to be abusive to Jewell and his brother and sisters and to be cruel to animals. His mother was known to be demanding and jealous as demonstrated by her temper. Jewell completed the eighth grade, obtained a GED and joined the Navy.

12. Gaile knows very little of her family history beyond her parents, aunts, and uncles. She knows that there were "drinkers" on both sides of her family and her father's ancestors were farmers. She does not know what kind of work members of her mother's side of the family were engaged in or how her maternal grandmother supported so many children after her father left.

CHILDHOOD HOME ENVIRONMENT

13. Izora had been raised in a very fundamental Pentecostal religion, and she created a home atmosphere of fear, one lacking in joy. She belonged to a church that was "legalistic," and failure to follow the rules resulted in burning in hell. Jewell was hung up on sex and prevented normal social relationships for his daughters by scaring boys away. In fact, he scared girlfriends away as well and kept a shotgun at the door, further alienating Gaile and her sister from the opportunities to create healthy social relationships.

14. Izora was an unhappy wife and mother. She wanted Jewell's approval but went about getting it in the wrong way. She was a jealous woman who would steal from her husband and lie about it. In fact, Izora was jealous of everybody including her daughters. She would set the children up to be punished by rushing to the door to tell their father all the things they had

done wrong during the day. Then she would rush to defend them after Jewell began to beat them, when it was too late.

15. Jewell was a drinking man who came home drunk frequently. For eighteen years he ran a service station and then later was a mechanic for equipment at the local cemetery. Rather than leave him alone when he came home drunk, Izora would keep Gaile up at night and make her wait by her side for Jewell to come home. When Jewell staggered in, Izora would confront him and set up a fight. Gaile would beg Izora to just leave him alone or let him eat or whatever would allow him to sleep it off. But her mother used Gaile as a buffer and would not let her leave the room. Gaile witnessed their fights at least three days a week and watched as her father re-established his position of power in the family by beating Izora.

16. The Kirksey house was also a house of secrets where no one received an honest answer to any question and where asking questions was usually met with silence and disapproval. When Izora's marriage to another man prior to marrying Jewell was discovered by her daughters, Izora continued to deny it even when there was no reason to do so. Jewell and Izora were late in getting help and treatment for Gaile's brother Wilson who was born with cerebral palsy and who was slow mentally because they did not want to admit that Wilson had a problem. It was only after the insistence of Gaile's uncle that they sought help for Wilson. Similarly, Gaile's parents denied Gaile's cries for help when her Uncle Marshall was molesting her.

17. In addition, Izora babysat between eight and ten children in their home at any given time. The house was messy and it fell to Gaile to keep it clean from the time she was small. Izora prided herself on toilet training and potties were lined along the pantry hallway of their small home. Baby beds were in every room and Gaile had to sleep with a baby. There was never any privacy or special attention. Izora martyred herself before others as the caretaker of her special needs child, Wilson. Yet at the same time, she filled the home with other children to make extra money. Little energy was left for Gaile's emotional and developmental needs.

18. Gaile came to view her home environment as one where she had to survive one day at a time. Her father's abuse resulted in welts and bruises. Jewell's physical violence knew no bounds. One time, Gaile witnessed her father hold a knife to her mother's throat threatening to kill her.

19. When Gaile was a young woman working and still living at home, she had gone to stay with a friend to get relief from her situation at home. When she returned, Jewell forced Gaile to strip naked and examined her body in the presence of Izora on the pretense of looking for signs of drug use even though he had no reason to suspect her of any wrongdoing. Gaile had been a good student and had never been in trouble nor had she ever used drugs. Izora looked on without defending her daughter. Gaile was degraded, humiliated and shamed by her father's violation of her body and mistrust.

EARLY SPIRITUAL INFLUENCES

20. From the day she was born, Gaile was raised in the Pentecostal faith. In this faith, one was to be "in this world," but not "of this world." Born into the religion, one was already "thought reformed." If one joined the Pentecostal church later in life or from another denomination, they had to be subjected to "thought reform," which meant that one never questions anything. Men and women were held to a different standard and women were to be kept childlike, to be seen and not heard. They were required to be submissive and to demonstrate that submissiveness in their dress and behavior. Men controlled the home and their wives.

21. During church services people spoke in tongues, fainted, and laid hands on one another. The church had an interpreter to translate the message of tongues. The church was "legalistic" with rigid rules – the breaking of which resulted in hellfire and damnation. Those who broke the rules were disfellowshipped and doomed to hell. So abusive were many of the beliefs of the church, that in more recent years, a formal spiritual healing group and website were developed to help former members of Pentecostal churches to overcome the mental, emotional and behavioral damages done by the teachings.

22. Gaile was unable to develop self esteem and self worth because of her mother's religious beliefs and her father's support of those beliefs. She witnessed her father's beatings of her mother, her disabled brother, and her sister and was herself the victim of his physical violence. This occurred for years within the context of "thought reform" in which she was brought up to believe that as a girl, she was less, inferior and must be submissive.

23. Moreover, Gaile was frightened by the Pentecostal faith. She found speaking in tongues to be scary and the threat of hell for a simple offense like wearing short sleeves confused

her. Izora was legalistic and believed that any broken rules doomed you to hell. When Gaile visited her cousins, she was allowed to paint her nails but her aunt and uncle would stop for polish remover on the way home and have her nails clean by the time she reached Izora's front door.

24. Gaile watched her father, who was raised Methodist but supported Izora in raising the children in the Pentecostal faith, drink excessively. Gaile watched her mother "get around" her father by lying and stealing when he was drunk knowing he would not be able to remember about his money.. Jewell ran a gas station and kept a bag of cash and receipts in their house. Izora would wait until he passed out, steal his money and lie to him often telling him that Gaile took it. Then Izora would stand by quietly as Gaile would be beaten for her mother's offenses. Gaile came to believe that her father's drinking and the abuse of her mother was her fault, that she was bad, and that she deserved to be mistreated. When Gaile recalls the Christmas holidays, her most vivid memory is waking up and giving her father a Tylenol, Christmas after Christmas.

25. Gaile was also afraid of the practice of speaking in tongues. The children were expected to speak in tongues and she just couldn't figure out how to do it but she didn't want her name to be among those doomed to hell for not doing it. She was supposed to get "the Holy Ghost," but it seemed that you could never do enough to receive the spirit. A friend at church taught her how to pretend just to get her name on the board of those who could speak in tongues and not be called upon over and over to demonstrate their abilities. Her friend told her just to "do it," to make the elders happy.

26. Gaile was also frightened when people in the church fainted. Worst of all, Gaile hated the many times when Izora would force her brother Wilson, who had cerebal palsy, to go through the laying on of hands to take away his disabilities. Then, when Wilson was not healed, Izora and the church would tell him that his faith was not strong enough. Mentally slow, each time Wilson believed with all his heart that his faith was strong enough for him to be healed. Izora encouraged this belief. Time and time again, Gaile watched Wilson's disappointment when there was no healing. Finally at the age of fifteen, Wilson said to Gaile that he guessed God just wanted him the way he was. This too only increased Gaile's confusion.

27. Adding to Gaile's confusion was the fact that her Methodist father went along completely with their mother and enforced all the strict Pentecostal rules until the children were older. Then one day Jewell snuck Gaile and Carolyn to a movie while swearing them to secrecy. Terrified of hell but with a child's curiosity and longing to be like other children, Gaile went to see "Bambi". The joy of that experience was followed by weeks of fearing that she would die and go to hell because she went to the movies.

28. Years later when the church adopted some changes to hold on to membership, Gaile watched with horror as from one day to the next, all the adult women suddenly had short hair. For years they had all rolled their long tresses on orange juice cans and now suddenly short hair was allowed. Gaile believed all these women were doomed. Even more confusing, Izora came home with a permanent. Gaile was terrified that her mother would go to hell.

29. In terms of play, the Pentecostal faith isolated Gaile from school classmates because of the inflexible rules that forbade short sleeves, short hair, movies, TV, gym clothes, the state fair, fingernail polish, pants and other normal activities. Because of the historic abuses in the Pentecostal faith, a spiritual healing movement has grown in recent years to help people like Gaile who were emotionally damaged by the old legalistic teachings. But that intervention and the subsequent changes in the church did not happen in time to salvage Gaile's confusion during her developing years.

30. The changes in the church that Gaile and her mother attended, Abundant Life Pentecostal, came with the arrival of Pastor Jimmy Greer during Gaile's teen years. During this time, Gaile's sister Carolyn literally became part of the Greer family providing Carolyn a safe haven from Izora and Jewell who let her go because it was a minister's home. Gaile was allowed to visit but was not welcomed as a part of the pastor's family as Carolyn was, and so Gaile was left to continue her role with Izora and Jewell. Gaile felt trapped in her home with no escape.

GAILE'S CHILDHOOD

31. Gaile was the second child born to Izora and Jewell. The first was her brother Wilson who was born in January of 1951 and was only eighteen months older than Gaile. Her younger sister Carolyn was born fifteen months after Gaile so all three children were born over a period of three years. Wilson was born with cerebral palsy. Izora told others that Wilson had a

stillborn twin whose umbilical cord was wrapped around Wilson's neck at birth. Although there are no records to document Izora's version of the birth, Izora's tales became family legend.

32. Although the middle child, Gaile assumed the role of the older child due to her brother's disabilities. Already unstable, the marriage of Izora and Jewell was deeply affected emotionally and financially by Wilson's disabilities. Izora believed his disabilities were her fault. Jewell's mother convinced her Wilson wasn't normal because during the pregnancy Izora raised her arms above her head while hanging curtains.

33. Gaile's early childhood was initially defined by the family's denial of Wilson's problems and then by the subsequent attention given to his problems. Wilson's needs left Izora unable to care for all three children. Strangely, Izora continued to babysit eight to ten children daily and without a license essentially ran a day care. As a result, Izora ignored the development and well-being of her own children.

34. Jewell was disappointed that his only son was disabled and largely ignored Wilson's existence unless Izora goaded him to beat Wilson. Responding to family pressure, Jewell finally accepted that his son had problems and needed special care. The family moved to Memphis when Gaile was four years old. In Memphis, Wilson could receive the care he needed at the Shriners School.

35. From infancy, Gaile was shuttled between her own family and that of relatives who cared for her deeply but could not offer her the daily, long-term assistance she needed during her developmental stages. Gaile spent two days every two weeks with her Uncle Nicky, Aunt Nanny and cousins Mary and Thelma. Unfortunately, this time only added to the confusion that was pervasive during Gaile's childhood. Nicky and Nanny's lives were lived in direct opposition to the environment in Gaile's own home and while she was loved by her uncle and aunt, they could not compensate for the "thought reform," she was receiving from her parents and her church. Gaile was encouraged by her uncle and aunt to lie to Izora and Jewell about going to the Presbyterian church and to not talk about the things she experienced with them that they feared would upset her parents.

36. To add to Gaile's uncertainty, Izora held the removal of this special time with her aunt and uncle and cousins over her head, requiring her to perform unreasonable chores with the

threat of losing that break from Izora and Jewell. Gaile believed that those breaks with Uncle Nicky and Aunt Nanny were the only thing that saved her during childhood and she began to clean obsessively and perfectly to get that reward.

37. Izora also required Gaile to help her care for eight to ten other children she babysat, in addition to her brother Wilson. In contrast, Gaile's sister Carolyn dealt with the stress of their home by withdrawing and staying out of the chaos as much as possible. Early on, Carolyn lived in her own world. There was a period when Gaile and Carolyn were young children when they were closer. But as Gaile became more of a "yes" person to her parents, Carolyn used invisibility as a way to say no to Izora and Jewell. Whereas Gaile was drawn into and used by her mother as a buffer between mother and father, Carolyn quietly avoided family conflict and ultimately spent most of her adolescence with pastor Jimmy Greer and his family. Quite the opposite, Gaile catered to her father's and mother's wishes.

38. Gaile was known to be a good child who did not get into trouble in school, did her lessons, and was quiet in class. Her conduct was excellent and she did not cheat, steal or lie in school or away from home. She allowed teachers and others to call her Marcia even though she was known at home as Gaile. She did not participate in extracurricular activities and had few friends due to her religion and homelife.

39. Gaile adored her disabled brother. While others placed limits on what Wilson could do, Gaile would try to show him some fun. She took him out in the snow and tried to play games with him. She always believed he could do more than he was allowed to do. Gaile always wanted to play ball like the boys and she would show Wilson how to bat a ball.

40. Wilson was a sweet boy who adored Gaile as well. She spent all her spare time with him and tried to treat him as though he was like her. Wilson received beatings in spite of having cerebral palsy. Neither parent could understand his inability to comply with them and no more spared the rod with him than with Gaile and Carolyn. When Wilson was older, a school teacher told Gaile that she should tell her parents that Wilson would be eligible for Social Security disability. Gaile went and got the applications but Jewell refused to sign them saying that it was just welfare. Gaile put the packet together and Jewell had a fit. Gaile's cousin

Thelma who became a teacher and then a superintendent of schools, had to explain to Jewell that disability payments were not the same as welfare. Jewell finally relented.

41. Because of her Pentecostal faith, Gaile was not allowed to swim or watch boys who were swimming, go to movies or participate in gym. As she grew, she came to love athletic sports but was not allowed to play. The girls in her church stood against the gym walls in their dresses and watched the other children play.

42. Gaile rarely had a friend come to her house because of her father's drinking and his scary behavior toward other boys and girls. She and her one girlfriend would plan the friend's visits around her father's drinking days. Her opportunities for developing social skills were stunted by the isolation she experienced because of her religion and her home life. Gaile was becoming the submissive, approval-seeking child her parents created with their limited world view.

43. From the ages of five to twelve, Gaile was sexually molested by her paternal Uncle Marshall. Gaile tried to tell her mother what Uncle Marshall was doing but Izora ignored her. Initially, Gaile loved her Uncle Marshall because he showed her attention. Gaile would sit on the bales of hay at his farm and watch him drive his tractor hoping he would give her a ride. Uncle Marshall told her that she was named Marcia after him and she believed him. He also told her that this was why she had to let him touch her.

44. Marshall made Gaile feel powerless and helpless. He pinned her to the bales of hay and began by slipping his hands into her pants. She was five years old. As Gaile grew older, Marshall would take her on the tractor and hold her tightly against him as he rubbed himself against her. When Gaile begged not to go to the farm, she was forced to go anyway.

45. Eventually Marshall tried to penetrate her and although he failed, she was frightened enough to tell her mother. Izora did not want Jewell to find out because she was afraid Jewell would kill Marshall. So she protected Marshall instead of her child. Gaile never received any intervention or treatment or even recognition and validation that she had been molested. Finally by the age of twelve Gaile learned to avoid Uncle Marshall or going to his house. But for years afterward at family gatherings, Marshall would try to corner her and touch

her. He would insist that she touch him and make him feel good. Gaile would make feeble attempts to stop him telling him that her "daddy keeps his covered."

46. Throughout her early years Marshall would tell Gaile how much he loved her and her confusion grew. From a young age Gaile was asking herself both in regard to her father's drinking and violence and Uncle Marshall's sexual assaults, "what did I do?" Gaile began to run into the house during their visits and scrub herself in the shower. She would cry and beg her mother that she wanted to go home but Izora always acted like everything was fine.

47. Gaile also experienced the pain of being beaten with a belt buckle by her drunk and enraged paternal grandfather. Gaile loved to visit her paternal grandmother who would grab Gaile by the hands and dance around the room with her. As was the pattern in this family, the grandmother called Izora and Jewell and told them that Gaile needed to stay with them for another week because they were enjoying her so much. In truth, they wanted to wait until her bruises had healed. This was yet another example to Gaile of the powerlessness and helplessness of women and the confusion of their willingness to protect the abuser.

48. Aside from her Uncle Nicky, the only other healthy adult male in Gaile's life was married to Gaile's cousin Mary, Uncle John. As a child, Gaile loved and admired Uncle John, a school principal, who loved Gaile and treated her with respect. Uncle John's mother Gertie was also special to Gaile. Gaile found relief from her strife filled home when she visited these relatives. But Uncle John too had an affair and divorced Gaile's cousin Mary. Gaile was again devastated. This particular behavior by men she loved and whose approval she sought, seemed to leave her consistently disappointed and hurt.

ADOLESCENCE

49. Gaile was growing into a young woman with no sense of self-worth or independent thought. She was submissive, approval-seeking and easily manipulated by her mother to cover up her mother's stealing and lying from her father. Gaile's mother continued to force her to sit up with her at night to wait for her father to return home drunk. Izora was more confident that Jewell would not hit her if Gaile was present. So Gaile continued to suffer in the middle of her parents' conflicts. Gaile's father would yell at her to go to bed and Izora would insist that she stay.

50. In her early adolescence, Gaile was cleaning house one day when Jewell and Izora had left her in charge. She and Carolyn were going through drawers and discovered some letters in her mother's sock drawer. Quietly, she and Carolyn sat in the floor and read each letter only to learn that their mother had been married to someone else before marrying Jewell. Afraid to confront her parents, Gaile asked her Uncle Nicky who told her that story would have to come from her parents. She and Carolyn ultimately confronted Izora who lied about the marriage (with Jewell covering for her) in spite of the letters confirming it. As a result, Gaile and Carolyn worried that they might have a brother or sister somewhere. Gaile could not trust her mother's answers. A boy at school, Steve Johnson, had teased Gaile that they might be cousins. Gaile always thought that was odd but it turned out that Izora's first husband was Steve's uncle. Uncle Nicky had assisted his sister in having the marriage annulled since the Pentecostal faith forbade divorce.

51. Also during her adolescence, Gaile discovered that her father was having an affair. Gaile was hurt and disappointed because in spite of her father's physical violence, she was very attached to her abuser. Emotionally, she had become a substitute wife and had been given the adult role of mediating between her parents. Without his knowledge, a teenage Gaile had begun to follow her father and observe him with this other woman. Finally Gaile confronted Jewell and he confessed to the affair. Gaile had power for the first time and threatened to tell her mother in order to get Jewell to give up the relationship. Jewell complied but Gaile never recovered from the shock and hurt of her father's betrayal. After all, much of her childhood she had been the buffer between these two authoritarian figures and the introduction of this third person was confusing. Because of her Pentecostal faith, Gaile also feared her father's damnation to hell.

52. During high school, Gaile continued to be a good student and her behavior was compliant. Gaile's dating years were unhappy. She was afraid to get involved with anyone because of her father. One boyfriend had to slip in and out of the house so as to avoid her father. Girlfriends had to do the same and so relationships were brief.

53. Even after graduating from high school while Gaile was working and living at home, Gaile could barely tolerate the worsening restrictions on her life. For two or three days Gaile sought relief at the home of a nurse who befriended her when Izora was in the hospital for

surgery. Gaile was gone only for a few days and it was upon returning home that her father strip searched her, a grown young woman to search for drug marks. Soon after this incident, Gaile moved into a small apartment of her own and experienced freedom for the first time.

54. Gaile entered adulthood with no identity of her own, an emotional fragility that she covered with an attempt at perfection, and a consuming need to be loved. Her developing years would leave her vulnerable and unable to cope when faced with accumulating stress. Her lack of understanding about freedom and independence led Gaile to create a false self fueled by aspirations of perfect behavior and a perfect life. This superficial appearance was exhausting to maintain over time and would eventually wear Gaile down.

MARRIED LIFE

55. After high school, Gaile moved out on her own and went to work for LeBonheur Hospital. She was twenty years old when she met Ron Owens who had completed duty in the Air Force. Ron too had come from a troubled family. He, like Gaile, had survived by getting away from his family as soon as he was old enough and able.

56. Gaile was grateful that Ron wanted to date her. She felt ugly and unattractive most of her life even though this was not the case. Gaile didn't believe she was worth anything so she couldn't believe that he showed an interest in her. She was infatuated with Ron and thought he walked on water. She had a dream of having an "All American Family." Gaile was, in fact, attractive, and with the help of her aunt and uncle, who were relatively affluent and well-educated, Gaile had become a respectable, hard-working young woman. Ron and Gaile seemed a perfect match to friends and co-workers, although Jewell was still mad at Gaile for leaving home and refused to attend the wedding. Gaile was twenty years old when she married Ron Owens.

57. In a step away from the more rigid and rule bound religions of her childhood, Gaile married Ron in Uncle Nicky's Presbyterian church in October of 1971. Gaile realized on her wedding night the impact that her years in the Pentecostal church had had as she simply did not know what to do with the fear and pain of intercourse. First, Gaile did not realize that the lights would be on. She thought sex, whatever it was, only occurred in darkness. Ron's eagerness to consummate the marriage frightened her and being exposed in the light made her ashamed. When Gaile bled and found sex to be painful on their wedding night, Ron threatened

that he would find someone who was not so frigid to have sex with. Then, when Ron again attempted sex the next morning, Gaile thought he was crazy -- she thought sex was only supposed to occur at night. Thus, from the beginning, their sexual relationship was troubled and unsatisfying to both. Unfortunately, neither had the maturity nor the skills to know how to reconcile this problem.

58. Gaile was terrified to learn she was pregnant in 1972. She had not wanted children because of her fears about having a child like Wilson. Ron was also unhappy about a pregnancy that he felt they could not afford. His plans were to enter school and his goal was financial stability. But Ron and Gaile presented a happy face to the outside world and did not let on that the pregnancy was stressful. Behind the scenes, Gaile's pregnancy, Ron's classes and their financial situation were taking a toll. Stephen was born in January 1973.

59. While Ron was going to school and working at LeBonheur Hospital, Gaile worked as a receptionist for Dr. Margaret Halle. It was while working for Dr. Halle that Gaile began to use free samples and prescriptions she got in the office to control her weight. One doctor gave her Elavil for depression as she continued to put up a front to family and friends that her married and work life was happy. Gaile received no empathy or support from Ron and was left to deal with her growing problems on her own.

60. Unfortunately, as her problems grew, Gaile began to look for other ways to make Ron happy. After only two years of marriage, Gaile had begun to suspect that Ron was having an affair. Gaile, who was desperate for Ron's love and approval, began using medications to improve her looks and attractiveness to him. However, Gaile's judgment and insight were non-existent. She reverted to an early childhood behavior learned at her mother's side, a way to ease the stress and hurt, to steal. Gaile believed that by stealing additional money from Dr. Halle she would make Ron happy and relieve some of the worry about finances.

61. When Gaile was caught stealing, she turned in desperation to Izora for a loan to repay the money she had taken from Dr. Halle. Izora required her to clean her house and babysit the many children she kept to pay her back which Gaile did unfailingly. Unfortunately, being in debt to her mother put Gaile right back into the environment she fought so hard to leave.

62. Ron's approval was all Gaile could think about as she could summon no other options for making her marriage a happy one. Perfection in all other ways but sex was not working. Gaile tried to keep a perfectly clean house because Ron was a stickler for cleanliness. She ironed all their clothes. Gaile also believed she had to have the extra energy boost that came with diet pills. She began to build a tolerance to the pills and was taking as many as three amphetamines a day. She would eventually become exhausted but could not rest.

63. While Ron was attending school and working, Gaile was receiving less and less attention and she had a new baby to care for and love. In addition, Ron's demands for sex grew more frequent and violent during this time. Gaile was unraveling behind closed doors and simply managing a smile at home, church and work as she tried to be a good wife, mother and employee. The pressure was unrelenting as Ron forced sex upon her and as she failed to please. As is typical in an unbalanced family system, no one, including Gaile herself, was making any connection between her childhood molestation by her uncle and sexual humiliation by her father, her church teachings and the dramatic toll these events had taken on Gaile and her marriage.

64. Gaile had tried to get Ron to join the church, but he called it "stupid." Later, he joined Abundant Life where Gaile continued to attend and be brainwashed by the "rules" related to male dominance.

65. For the next ten years, diet pills (amphetamines) would help Gaile to keep her weight off to please Ron, and valium would numb her to his sexual demands. The amphetamines made her feel like a supermom and superwife who could do anything. They affected her sleep, and so Gaile ran on raw nervous energy. The drugs were not prescribed, but Gaile continued to have access to drug samples from the doctor's offices where she worked.

66. Ron completed his associates degree in 1974 and just as he had falsely claimed to have been shot in Vietnam, he also falsely claimed a bachelors degree in his application for a nursing position at the hospital. As a result of Ron's dishonesty, he was placed on probation at the hospital. While Ron and Gaile made great efforts to leave their troubled childhoods behind and to create a normal life, they made costly and stressful mistakes.

67. At times, because of the stress, Ron lost his temper with Gaile and hit her. Ron's continued demands for non-traditional sex made Gaile feel inadequate as a wife. Gaile did not

know how to express her needs to Ron and was not truthful with him in order to gain his approval. Making Ron happy was central to her existence. She pretended everything was alright when it was not. Gaile had to protect the image of a good marriage. The truth of her life and her underlying emotions were restrained at great cost.

68. In 1975, Gaile became pregnant with her second son, Brian. Prior to his birth, Gaile, Ron and Steven went out to dinner. Gaile was scheduled for a c-section the following day. Gaile was in a lot of discomfort and did not realize she was going into labor. Despite her discomfort, Ron insisted on sex that night. He became angry and frustrated with her and kept trying to penetrate her. When Gaile awoke the following morning she was bleeding and woke Ron to drive her to the hospital. She pretended as though nothing had happened although hospital records show that she had a partial abruptio placenta when she arrived at the hospital.

69. Following Brian's birth, Gaile resumed her use of diet pills and valium to lose weight. Among their many problems, Gaile's weight gain played a significant role and she was willing to do anything to get the weight off and please Ron. Also, after Brian's was born, Ron's demands for sex and use of violence during sex increased. Ron began using objects to penetrate Gaile which made sex even more painful and difficult. In addition to Ron's increasing demands and use of violence during sex, Gaile had during that year again suspected that Ron had a girlfriend. Gaile believed that their financial stress and her weight was driving him to commit adultery.

70. Gaile again turned to stealing in hopes that she could please Ron and better cope with her suspicions of his unfaithfulness, his increased sexual demands and violence after Brian's birth. Gaile was working for Dr. Paul Williams at Memphis Orthopedic Associates. Over the course of ten months, Gaile forged eight of the doctor's checks for herself and spent the money on Ron, her sons, her sister, and others in an effort to please them. Once again, Gaile was caught, but this time, the doctors pressed charges.

71. In early 1978, Gaile was arrested and charged for the forgeries at Memphis Orthopedic Associates. Pastor Greer helped her find an attorney and contacted psychiatrist Dr. Max West on her behalf. Ron refused to offer any help or support to Gaile and refused to go see Dr. West with her. Gaile was held at the Shelby County Jail for approximately sixty days

pending the disposition of the charges. Gaile ultimately pleaded guilty, and was sentenced to five years probation and ordered to make restitution.

72. Gaile had no history of illegal activities in her childhood and adolescence and these embezzlements at her jobs were the only times she had broken the law. Over the next two years, Gaile worked and mothered her children, attended church and worked to pay the restitution she owed the doctors. Trying to redeem herself and pushing herself on little sleep and with the aide of amphetamines for energy, Gaile enrolled at Shelby State Community College in 1980 and attended through the winter of 1981. She began a new job with another doctor's office and worked as a medical receptionist until early 1983. Enrolling in summer classes, Gaile continued her efforts to further her education, completing twenty-two semester hours before dropping out.

73. Ron traveled for Baptist Memorial Hospital attending seminars and recruiting nurses. During this time, Ron's behavior with other women at the hospital became an even greater stressor to Gaile. Ron stayed with Gaile because of his boys but he continued his relationships with other women. At the same time, he insisted on forceful and abusive sex with Gaile using a wine bottle and a pot pipe shaped like a penis and testicles to penetrate her. For Gaile it was painful and degrading, but she submitted while begging him to stop. The lack of affection and love which Gaile craved was missing from their relationship. For Gaile, sex with Ron had become marital rape.

74. Ron had a charming and charismatic personality and women at the hospital seemed to flock to him. Sometimes his behavior crossed a line and on one occasion he brought a penis shaped birthday cake to a nurse supervisor at the hospital.

75. Gaile and her sister Carolyn were never close. Carolyn had distanced herself from the family when she went to live with Pastor Greer. Carolyn never had the same role in the family as Gaile and escaped much of the punishment Gaile received from her parents. Carolyn married Joe Hensley in 1981. During their brief marriage, they did not have children.

76. After leaving school in 1981, Gaile gained a tremendous amount of weight. She suspected Ron of another affair, and in fact, he was involved with a nurse named Gala Scott.

77. At this point, Ron and Gaile no longer had any sexual relationship at all and while sex was a miserable experience for Gaile, she took Ron's rejection as proof of her

worthlessness. By this time, honesty and respect between Gaile and Ron was no longer even a pretense. Ron's disdain for Gaile was no secret and he told her that he stayed with her only because of the children. When she asked him if he could say anything nice about her, he said, "You don't sweat much for a fat person." Despite this, Gaile harbored an enduring hope that Ron would eventually come to love her.

78. In 1983, Gaile was again involved with forging checks at work. It seemed that her overwhelming stress was only relieved by the risk of taking and spending money. Again, Gaile had thrown the money away on gifts for others. She never seemed to benefit from her wrongdoing except to feel good about giving gifts to others. At this point, Gaile seemed to realize that her pattern of taking money was not only self-defeating but symbolized other problems that she could not handle. She tried to talk to Ron but he threatened to successfully take the boys from her because of her history of her forgeries. The thought of losing her boys drove Gaile over the edge emotionally and the fear of that loss consumed her.

79. Gaile was overweight, depressed, and in fear of losing not only Ron but her children. Growing more and more anxious about her situation, her fears were intensified when Ron failed to show up for a dinner with the boys and called her to say he was staying with Gala Scott, who had had a miscarriage. Over the next few months, Gaile grew increasingly agitated and anxious. She was beginning to hate her image in the mirror and felt a self-loathing over Ron's rejection that she could not control.

80. In late 1984, Gaile, feeling abandoned and alone, followed Ron to the hospital early one morning, suspecting that he was meeting Gala. She found Ron and Gala together in the parking lot. Gaile confronted Ron. He called her a "bitch" and ordered her to never follow him again. He slapped her and pushed her into the car. From that moment, Gaile was changed forever. Whatever tenuous threads that had kept her together were broken and her subsequent actions that resulted in Ron's death were set in motion.

81. Gaile felt like a fool and a failure. She had kept everything inside her entire life and had submitted to the will of father, grandfather, uncle, church elders and husband. She was in a state of confusion and despair.

ASSESSMENT

82. Children are basically powerless in the face of a chaotic and combative household. They cannot cure a drunk, muscle themselves away from physical and sexual abuse, or make choices about their finances, the neighborhoods in which they live or the churches which they attend. Therefore, if we hold them to adult standards, they can never measure up. They also do not have the language to describe the very adult abuses they face and so they demonstrate what is happening through their behavior, sometimes for many years and into adulthood.

83. As adults, children who have been molested, beaten, manipulated, and controlled find a way to tell their story through compulsive behaviors, like alcoholism, drugs, stealing, lying, etc., that they developed as children as a means of survival. In fact, these are among the many coping mechanisms and survival skills that children engage in as a way of soothing themselves – usually either overreacting or becoming emotionally constricted, sometimes switching between both behaviors. These behaviors do not typically comply with societal expectations and can result in serious legal consequences. But compulsively acting out the pain and rejection of a combative childhood is consistent not only with the behavior of children in war torn countries, but that of some soldiers and others who have experienced trauma. Surviving combat in the home does not result in medals of honor or the gratitude of an appreciative nation. One marches into adulthood alone bearing scars without recognition of the courage required to survive.

84. Young girls, who watch their mothers beaten only to forgive and go on as though nothing happened, are believed to be at higher risk than others to marry into a relationship that is abusive. Girls who are molested are at higher risk to marry a sexually abusive man. This repetitive cycle is the way adults tell the story of what happened to them as a child when they simply did not have the language to express the mystery of abuse.

85. Add to that, the "thought reform" and "legalism" of the Pentecostal faith tells girls that they have no worth, they are under the control of men, and they are to submit and to hide their bodies. Yet at the same time, some Pentecostal children live in homes that break all the church's rules behind closed doors. Lying, stealing, drinking, sex, and violence are present twenty four hours a day until another Sunday at church where again the child hears that one will

be condemned to a hell for these behaviors, and that you must honor your parents no matter what they do.

86. The website "Stop Spiritual Abuse," focuses on the issue of spiritual abuse and has a secondary focus on the United Pentecostal Church in particular (www.spiritualabuse.org). Among hundreds of books on spiritual abuse and rural religions can be found "God's Peculiar People," by Elaine Lawless, Ph.D., who is a professor of English and Women Studies at the Department of Religious Studies, University of Missouri. The Pentecostal faith takes its cues from scripture that describes God's peculiar people. This description of "God's peculiar people" is part of the Pentecostal image, along with legalism and thought reform that keep members rule-bound and living in fear.

87. It is impossible in these cases to point to one life event, one incident, one moment in time, and say with confidence that this is why someone took a life. It is the accumulation of stressful factors over a lifetime that contribute to a breakdown of functioning. Some people are simply more resilient to stress than others. Some seem to enter the world with the ability to bounce back from almost anything – an unexplained resilience. Yet those people will share that they have not completely escaped the pain and agony of childhood adversity and are more likely to be treated for anxiety and depression, more likely to be at risk for legal problems, more susceptible to substance abuse and other damaging behaviors. A closer look at resilience lends a more specific and detailed understanding of the difference it makes in a child's life.

88. Studies about resilience help us to understand what is necessary in a home to fill a child with enough "bounce back" to face adversity and what is lacking in homes that produce a child whose resilience ultimately breaks down. One of the foremost experts in this area is Dr. Edith Grotberg, Ph.D. (A Guide to Promoting Resilience in children: Strengthening the Human Spirit," presented at the International Resilience Project, 1993). Dr. Grotberg has studied, researched and written about the elements that must exist for resilience to develop in a child.

89. Those elements are summarized in the table[1] below:

The Development of Resilience in Childhood	
1.	Unconditional physical and emotional love and verbal affection
2.	Using soothing words to calm and comfort and teach a child to calm himself
3.	Enforcing rules without belittling, harming or rejecting
4.	Modeling behavior that communicates confidence, optimism and results
5.	Praise for accomplishments
6.	Encourage to be independent
7.	Label feelings and help child to recognize feelings
8.	Use language that helps a child face adversity
9.	Preparation for adverse situations
10.	Teach how to problem-solve and to reconcile
11.	Provide comfort and encouragement in stressful situations
12	Provide a stable environment
13.	Help to manage feelings and impulses

90. None of these elements were present in Gaile's home.

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[1]The two visuals that follow, along with the Accumulation of Risk Factors and The Psychological Battering of Children included below, are typical of a visual aid that would be given to a jury at trial or provided to a judge in an evidentiary hearing. They meet with clinical social work standards for compiling information from the Biopsychosocial Assessment for presentation in court. In my review of the records, demonstratives like these were never used on Gaile's behalf.

91. In addition, Dr. Grotberg has described the elements of homes that fail to produce resilience in children. Those elements are summarized in the table below:

Homes That Fail to Produce Resilient Children
1. Lack of guidance and mental health intervention *
2. Divorce and separation *
3. Multiple moves
4. Abuse *
5. Abandonment *
6. Homelessness
7. Disabled family member *
8. Immigrant status
9. Lack of role models *
10. Grows up witnessing violence *
11. Lack of consistent care-giving *
12. Inability to trust *
13. Worry about violence in the home *
14. Impaired cognitive functioning *
15. Inability to deal with aggressive feelings *
16. Repression of feelings *
17. Sense of helplessness *
18. Poor problem-solving skills *
* Elements present in Gaile's home

92. In examining the history of Gaile Owens, it is significant that there was an accumulation of factors that prevented her from developing resilience and placed her at risk to one day succumb to her past and lose at her efforts to overcome the wounds in her childhood.

Gaile was programmed from birth to comply, to ignore her own needs, to bend to the will of parents, church, husband with the eternal threat of hell ever present.

93. Gaile's lack of resilience and inability to respond to life in an independent, secure, and confident manner led her to engage in acts that were completely inconsistent with her life as a child, adolescent, wife and mother. Gaile had no history of violence, and the only instances of lying or stealing as a child were to comply with her mother's wishes. After leaving her parents' home, there is no indication that Gaile ever lied or stole until the weight of her sense of powerlessness and helplessness overwhelmed her. It was only then that she sought relief by spending stolen money, not on herself but on those she loved and whose attention she craved.

94. The following table summarizes the accumulation of risk factors in Gaile Owens's life:

Accumulation of Risk Factors For Gaile Owens	
1.	Born to alcoholic father
2.	Born to violent father
3.	Born to mother who used her as a buffer to father
4.	Born to parents who exposed her to Pentecostal faith, legalism, and "thought reform"
5.	Born into home and church with fear of damnation and lack of joy
6.	Born and raised in a religion that belittled and demeaned females
7.	Born to religion that taught women submission to men
8.	Beaten and abused by father, mother and grandfather
9.	Sexually abused by uncle
10.	Isolated from opportunities to develop independence and identity
11.	Isolated from opportunities to develop social skills and healthy relationships
12.	Isolated from opportunities to develop resilience to face rejection without suicidal or homicidal feelings
13.	Lack of resilience to deal with affairs of father and other male relatives who were highly valued

Accumulation of Risk Factors For Gaile Owens (Continued)

14. Lack of resilience to deal with affairs of husband and rejection by husband

15. Use of self-medication to cope with stress of weight, abuse, marriage

16. Embezzlement charges leading to additional pressures and stress

17. Threat of loss of children

18. Lack of long-term and consistent intervention and treatment for abuse, marriage, substances

95. Even the healthiest of individuals begin to show signs of wear and tear upon the accumulation of three to four of the major stressors identified above. Life teaches that no one escapes adversity and that one must be resilient in order to face the inevitable bad moments in life. But the strongest among us can point to signs of the impact of too much stress over time. Concentration, memory, job quality, parenting skills, stability of mood and many other states begin to be affected when there is overwhelming stress and too little relief.

96. Dr. John Bowlby, M.D., a psychiatrist and the "father" of attachment theory (Bowlby, J., Attachment and Loss, Vol. I, Basic Books, New York, 1969 and Attachment and Loss, Vol. II, Basic Books, New York,1973), was the consummate researcher and writer on attachment and loss. He wrote eloquently about the impact of rejection on those who are never taught about facing adversity in life and those who grow up in "unsettled homes." Dr. Bowlby found that for those who have not been taught to deal with rejection, there is a painful physiological reaction that is as though they have been stabbed multiple times by a knife or burned over their entire bodies. Whereas most of us experience "blues," or "heartache," at rejection by a loved one, those who were somehow left without the confidence that the pain will pass can become suicidal or homicidal or both.

97. Thus it seems was the case with Gaile Owens. Even as a young woman, Gaile's discovery of her father's affair gave an early warning that her response to loss was not normal. She followed him, watched him, confronted him constantly, and then threatened him with

exposure. She had suffered at his hands and had submitted to his will, yet she loved him and her shock and disappointment was way out of proportion to what one would expect from most teens.

98. Gaile also suffered emotional neglect and psychological battering at the hands of her parents and ultimately, her husband Ron. Dr. James Garbarino, Ph.D. has written and researched thoroughly the behaviors of parents who emotionally neglect their children. One of the most difficult issues to define in family court is the meaning of emotional neglect. In his book, "The Psychological Battering of Children," Dr. Garbarino offers a model that helps in understanding Gaile and her parents and the emotionally neglect she endured (Garbarino, James, Ph.D., The Psychological Battering of Children, Jossey-Bass Publishers, San Francisco, 1986). Emotional neglect, as a form of abuse, does not include the physical but only the intrapsychic. Dr. Garbarino and other researchers in emotional abuse and neglect believe that the threat of harm can be just as powerful as actual physical blows.

99. The table below contains examples of the psychological battering of Gaile Owens as they fit into the categories of Dr. Garbarino's framework:

The Psychological Battering of Gaile Owens

1. **Rejection-parent does not acknowledge the value and worth of the child**
   a. Izora and Jewell did not demonstrate affection to Gaile, Carolyn and Wilson.
   b. Through her beliefs, Izora denied the worth of a female child.
   c. Izora modeled her own lack of self-worth by clinging to a faith that was demeaning to women.
   d. Izora set Gaile up to be punished by Jewell.
   e. Izora protected Gaile's sexual abuser, Uncle Marshall, rather than defending her.
2. **Isolation-parent neglects opportunities for child to develop relationships and positive experiences that enhance self-esteem and build resilience**
   a. Jewell kept shotgun at door scaring any potential friends.
   b. Gaile's girlfriends had to plan visits around Jewell's drinking.
   c. The Pentecostal church forbade Gaile's participation in sports.

d. Clothing options set Gaile apart from her friends.

e. Isolation kept Gaile childlike and immature inconsistent with her age.

3. **Terrorism-parents expose children to frightening experiences that are non-physical**

a. Jewell's shotgun was a reminder of consequences of disobedience.

b. The threat of harm was ever present in Gaile's mind as a result of prior beatings.

c. The threat of harm was ever present in Gaile's mind as a result of sexual abuse.

d. Gaile felt helpless and powerless as a result of seeing her abuser protected..

e. Gaile witnessed the beating of mother and sister and brother.

f. Gaile saw Jewell hold a knife to her mother's throat.

4. **Ignoring-parent fails to recognize and respond to emotional needs of child**

a. Jewell ignored the special needs of Gaile's beloved brother Wilson.

b. Izora put the needs of the children she babysat ahead of her own children.

c Izora ignored Gaile's plea for rescue from her sexually abusive uncle.

d. Jewell and Izora created an environment that resulted in a lack of resilience.

e. Jewell and Izora ignored the individuality of each child by programming them to meet the standards of the Pentecostal faith.

5. **Corruption-parent mis-socializes the child by engaging in negative and illegal activities**

a. Izora lied to Jewell and taught Gaile to back her up.

b. Izora stole from Jewell and blamed Gaile.

c. Izora encouraged Gaile to lie to and steal from Jewell when he was drunk.

d. Izora dismissed the criminal behavior of Uncle Marshall who sexually abused Gaile.

e. Izora demonstrated to Gaile that women have no options and must stay with abusive men and submit.

100. Importantly, Gaile not only suffered as a result of her parents' conduct and her home environment, but also Gaile suffered at the hands of her husband, who was, like her father, mother, and her grandfather, physically abusive; like her uncle, sexually abusive; and like both of her parents, psychologically and verbally abusive and emotionally neglectful. Gaile was a typical battered woman – having been raised to endure abuse and neglect as a child and then married a man who also abused her.

101. The best known resource for battered women remains the studies and writings of Dr. Lenore Walker, Ph.D. (Walker, Lenore, Ph.D., The Battered Woman, Harper and Row, New York, 1979); although many others have researched and written on this subject. Dr. Walker observed that while all children who witness the abuse of a father toward a mother will not necessarily grow up to be abusers or victims, those who do were typically raised in households where they witnessed that behavior.

102. In Dr. Walker's studies and other more recent studies, the criteria for Battered Woman Syndrome includes a cluster of behaviors most of which are incredibly consistent with Gaile's behavior and experiences:

a. Posttraumatic stress and re-experiencing the trauma

b. High levels of anxiety and arousal

c. Emotional numbing, avoidance behaviors, and depression

d. Disrupted interpersonal relationships

e. Distorted body image and physical illnesses

f. Sexual issues, including feelings of guilt, shame, and jealousy

Using these criteria, based on the information that I have gleaned from reviewing the records and my extensive interviews with Ms. Owens, I believe that Ms. Owens was in fact a battered woman and suffered from what was known at the time as "Battered Woman's Syndrome." Today, battered women are diagnosed with Post-Traumatic Stress Disorder. Ms. Owens meets the diagnostic criteria for Post-Traumatic Stress Disorder, in Remission. If I had been called to testify in 1986, I would have testified to this opinion.

103. For Gaile, the combination of religious dogma and influence that demanded the submission of women, a violent and abusive father, an abusive uncle, an abusive grandfather, a

mother who stayed in her marriage and failed to protect her children from the abusers, made life as a female demeaning and shameful. As a result, Gaile spent her energy trying to please, seeking approval, fearing hell and damnation, and craving love. When all these efforts failed, Gaile sought relief from stress by committing non-violent illegal acts on three occasions.

104. According to numerous studies conducted by the United States Department of Justice, children of violence and neglect are at higher risk than others to end up in juvenile or adult incarceration. Awarded the American Association for the Advancement of Science prize for outstanding behavioral research, Dr. Cathy Spatz Widom, Ph.D., has been considered since the early nineties to be one of the most reliable experts on "the cycle of violence" and its relationship to family violence and neglect. While one cannot predict exactly what kind of trouble children will engage in as juveniles and adults, Dr. Widom, who conducted the research funded by both the United States Department of Justice and the Institute of Juvenile Justice, has consistently demonstrated the devastation to children of violence and neglect (Widom, Cathy Spatz, Ph.D., Child Abuse, Neglect, and Violent Criminal Behavior, Criminology, Vol. 27, No.2, 1989). Subsequent repeated studies by Dr. Widom have shown consistent results (Widom, Cathy Spatz, Ph.D., Criminal Consequences of Childhood Sexual Victimization, Child Abuse and Neglect, Vol. 18(4), April, 1994). Dr. Judith Herman, MD (Herman, Judith, MD, Trauma and Recovery, Basic Books, New York, 1992), has also written extensively on the impact of trauma on children and its effects in adulthood. Her book is still considered among the best resources for understanding the behaviors resulting from trauma.

105. Dr. James Garbarino, Ph.D., mentioned earlier for his work on the psychological abuse of children, has also written a compelling book comparing children of abuse to children in war-torn countries (Garbarino, James, Ph.D., No Place to Be a Child, Lexington Books, Massachusetts, 1991). In that work, he compares children who live in combative, chaotic and confusing households to those who live with the violence and unpredictability of war.

106. In Gaile's case, one must try to distinguish between the consequences of childhood trauma and abuse including sexual abuse, battered women's syndrome, the impact of church dogma that demeans women, psychological abuse, and the impact of neglect. The accumulation over time from childhood to adulthood of all these conditions in Gaile's life seem

to have broken down what resilience Gaile fought for with no help from her parents.

107. Gaile wanted to escape her mother's life, to create a life of her own, to have a stable marriage and to be a good mother. Her coping skills revolved around creating an image of perfection that was not real and was not possible. Gaile was unable to meet her own emotional needs or to express her feelings. She never learned to do these things. As an adult, these accumulated traumas caused Gaile to ride the roller coaster of pills to keep her energy up and pills to keep her relaxed. Substance use is a well known coping mechanism in reaction to trauma (van der Kolk, Bessel, Ph.D., Psychological Trauma, American Psychiatric Press, Washington, DC, 1987).

108. Gaile loved her sons so much that the thought of losing them created a panic and fear that was insurmountable and obscured her already impaired judgment. Ron's affairs were rejection enough but the threatened loss of her boys after her years of faith, dedication, and submission to physical and sexual abuse, left Gaile in a state where she could no longer cope. Gaile succumbed to her feelings of overwhelming helplessness. Unable to commit an act of violence even in response to years of accumulated abuse, Gaile sought and found others who could initiate a process that she could not control resulting in the death of her husband.

109. In my hours of interviews with Gaile, I found a reflective and thoughtful woman whose letters and photographs from her sons sustain her. She expresses what appears to me to be a deep remorse and understanding of the pain she has caused and the loss to her sons of their father. Gaile accepts responsibility for her actions and makes no excuses for them.

110. After two decades of work on capital cases, I am astounded that Ms. Owens is on death row. The trial lawyers' failures in this case are appalling. I have worked with all kinds of capital trial lawyers and mitigation investigators. I can say with certainty that had a competent mitigation investigation been conducted and had competent expert witnesses testified, there is ample reason to believe that Ms. Owens would likely not have been sentenced to death.

Further affiant sayeth not.

Jan Vogelsang

Jan Vogelsang

Dated this 22nd day of July, 2009.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me on this the 22nd day of July, 2009.

NOTARY PUBLIC

VIVIANA I. MIRANDA
NOTARY
PUBLIC
SOUTH CAROLINA

My Commission Expires
July 10, 2017