

President Donald J. Trump
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

November 10, 2020

Dear President Trump,

We write to you as former prosecutors who prosecuted women who attacked pregnant women, resulting in the death of either the fetus or the woman herself. We know from first-hand experience that these crimes are inevitably the product of serious mental illness. Women who commit such crimes also are likely to have been victimized themselves. These are important factors that make death sentences inappropriate. We therefore urge you to commute the death sentence of Lisa Montgomery, a mentally ill and brutally traumatized woman scheduled to be executed on December 8.

Our cases occurred in different states, decades apart, yet they are strikingly similar to one another and to Lisa Montgomery's case. In 1987, in New Mexico, Darci Pierce killed a full-term pregnant woman, Cindy Ray, and took her baby, who survived. In 2015, in Colorado, Dynel Lane attacked Michelle Wilkins, who was 7 months pregnant, cutting away her fetus. Wilkins survived, but her fetus did not. Both Pierce and Lane claimed they had been pregnant – Pierce raced to the hospital and said she had delivered her own baby, while Lane told her husband she had suffered a miscarriage.

These were tragic crimes that devastated the victims' families. We knew that charges must be filed, the cases prosecuted, and the defendants sentenced to lengthy prison terms. But we never believed the death penalty was an appropriate sentence. It was apparent from the outset that these women were not the "worst of the worst" for whom capital punishment was warranted. Pierce suffered from serious mental illness, had a history of childhood sexual abuse and neglect, and was just 20 at the time of the crime. Lane's mental health and history were not the focus of her defense, but it was clear that something had gone deeply wrong and the crime was an aberrational act. Pierce's jury found her to be guilty but mentally ill, recognizing the role her mental illness played in the crime. She received a sentence of 30 years to life. Lane received a 100-year sentence for her crime.

We see the same features in Lisa Montgomery's case. She, too, killed a pregnant woman and took the baby, attempting to pass it as her own. Many experts have stated that Ms. Montgomery was experiencing a psychotic episode when the crime occurred, and it was a direct product of her severe mental illness. And her history of extreme trauma, including being raped by a stepfather, gang-raped by his friends, and trafficked by her own mother, surely contributed to the dissociative disorder that severed her connection to reality.

Like the cases of Dynel Lane and Darci Pierce, Lisa Montgomery's case does not warrant the death penalty. We are particularly troubled here by the fact that Ms. Montgomery accepted responsibility for her crime and offered to plead guilty in exchange for a life-without-parole sentence. Given the overwhelming evidence of her mental illness and trauma history along with the particularly traumatic nature of this type of crime for the victim's family, the federal prosecutors should have exercised their discretion to accept Ms. Montgomery's plea offer.

You now have the power to correct the injustice of Lisa Montgomery's death sentence. A term of life imprisonment without possibility of release is severe, yet sufficient in this case. We urge you to exercise your authority to grant Ms. Montgomery clemency.

Sincerely,

Stanley Garnett
Former District Attorney, 20th Judicial District, Colorado

Harry Zimmerman
Former Deputy District Attorney, Bernalillo County, New Mexico