

In 1978, **Carlene Borden** was imprisoned for the murder of her abusive husband. Thanks to the pro bono work of Amy Lorenz-Moser, a St. Louis lawyer trained at the MU School of Law's Family Violence Clinic, Borden is home after 32 years of incarceration.



## **FINDING FREEDOM'S PATH**

**STORY BY MARCUS WILKINS / PHOTOS BY NICHOLAS BENNER**

**MIZZOU FALL 2013**

**\* 24 \***



A

Amy Lorenz-Moser was still searching for her calling in the late 1990s. A self-described “renaissance gal,” she was studying opera and political science at Webster University in St. Louis, but neither subject truly grabbed her. A law career was appealing, but she couldn’t settle on the specifics as she worked toward a bachelor’s degree and considered her options.

Then, a calling found her — a calling that more than a decade later helped her free a woman who had been imprisoned for 32 years.

But at the moment, Lorenz-Moser was waiting for chicken strips in a Webster campus cafeteria line when an angry man burst into the building. He crashed through the kitchen doors, shouting. Some students froze, others scattered from the melee as the man attacked a female food service worker and brought her down.

The startled Lorenz-Moser used her flip phone to call police, who soon arrived to make the arrest. While employees helped the shaken victim, Lorenz-Moser gently approached her and volunteered to be a witness.

“She did *not* want my help,” Lorenz-Moser says. “She said I didn’t know how much worse this was going to make things for her [with her significant other], and I thought, what a complicated and horrible situation. If you could ever find a way to reach out and help people like that, *that* would be something worth doing.”

Years later, Lorenz-Moser visited the MU School of Law. The faculty and facilities were impressive, but the Family Violence Clinic especially intrigued her. Directed by Professor Mary Beck, JD ’88, the clinic is a four-credit-hour course that provides legal counsel to indigent people across the state. Students represent a variety of clients, many of whom are abused women, but also terminally ill custodial parents and petitioners for adoption of special needs children.

Taking Beck’s course changed Lorenz-Moser’s career trajectory. “It opened the door to possibilities I didn’t know existed,” says Lorenz-Moser, JD ’00.

At her day job, Lorenz-Moser is a full-time product liability attorney at Armstrong Teasdale in St. Louis. On her own time, she volunteers to represent women who are imprisoned for killing their abusers before battered spouse syndrome became a legal defense in 1987. In 2012, she received the American Bar Association’s Pro Bono Publico award for the work.

“The system makes mistakes,” Lorenz-Moser says. “I think it can work correctly when we all try a little bit harder.”

**SOMETHING WORTH DOING**

When Carlene Borden thinks back on her married life in the 1970s, she realizes she didn’t know



† Amy Lorenz-Moser, JD ’00, a full-time product liability attorney, logs some 200 pro bono hours annually representing battered women imprisoned for killing their abusers.

who she was. She and husband Delbert Borden, a part-time police officer in Greene County, Mo., had two children together, Duane and Tresea. The husband and wife shared little else.

Delbert tried to control every aspect of Carlene’s life, according to her 2007 affidavit. He called her worthless and ugly, throwing food she had prepared on the floor when it wasn’t to his liking. He blackened her eyes and probably once broke her nose, though he forbade her from visiting the doctor. The violence escalated. In the film *The Perfect Victim*, which documents the Borden case, Tresea says Delbert sexually abused her.

“I can take a lot, but once you start messing with those babies ...” says Carlene, shaking her head. She attempted to leave and divorce Delbert in the mid-1970s. She eventually returned to him after he stole her car, hired a private investigator to find her and threatened to harm their children if she didn’t come back.

According to court documents, Delbert was killed with a shotgun in his Springfield, Mo., home in 1978. Carlene and her boyfriend, Donald Pilkerton, were arrested and tried for the shooting. Carlene claims Pilkerton shot Delbert, but Pilkerton struck a plea bargain in exchange for testifying that Carlene pulled the trigger. The deal guaranteed Pilkerton no more than 30 years in prison, and he was released in 2000. Carlene was sentenced to life in prison with the possibility of parole after 50 years.

She appealed based on the fact that her Greene County court-appointed trial lawyer was also her husband’s divorce lawyer, a conflict of interest. The county then appointed that attorney’s law partner to represent Carlene on the appeal.

In 1987, Pilkerton confessed to the murder and to falsely testifying against Carlene. His confession was not considered grounds to reverse the conviction or obtain a new trial, despite multiple attempts by Carlene’s defense attorneys.

**‘The system makes mistakes,’ Lorenz-Moser says. ‘I think it can work correctly when we all try a little bit harder.’**

## TAKING THE CASE

Lorenz-Moser first learned of Carlene's case in 1999. At the time, Lorenz-Moser was representing a different client at the MU Family Violence Clinic for a project called the Missouri Battered Women's Clemency Coalition. The coalition — a group of lawyers and students from Washington University, St. Louis University, the University of Missouri-Kansas City and Mizzou — represented 11 women imprisoned for killing their husbands. The team sought clemency for the prisoners because domestic abuse evidence was not admitted at the time of the trials.

Student Lorenz-Moser impressed teacher Beck by tracking down witnesses and medical records for cases more than 20 years old.

"She just will not take no for an answer," says Beck, beaming. "If you tell her no, she's already thinking about what end-run she's going to make to accomplish what she wants to do. There were witnesses original attorneys said they couldn't find and couldn't subpoena. Amy found those witnesses within days, more than a decade later."

The experience motivated Lorenz-Moser to take on Carlene's case.

## A RAY OF HOPE

Carlene's path to freedom brightened in 2007 when the state passed Missouri Revised Statute 217.692. Under the statute, victims of sustained domestic violence who have been convicted of killing their spouses can be paroled. To be eligible, prisoners must be serving life sentences of at least 50 years and have been well-behaved with no prior felony convictions. Carlene fit the bill.

Beck and her Family Violence Clinic students had laid the legal groundwork in Carlene's case, and Lorenz-Moser put in hundreds of additional pro bono hours. In five years, she made dozens of trips to the women's prison in Vandalia, Mo., where she and her client slogged through two parole hearings and denials, multiple strategy changes and other setbacks.

"When there is a failing in the system, the people in the best position to correct that injustice [the parole board and the governor] have an enormous amount of discretion, and they exercise it very sparingly — as they should. But it's difficult to get their attention," Lorenz-Moser says. "Everybody who has ever been convicted thinks his or her case is the most egregious injustice that has ever occurred. The challenge as a lawyer is to show that your case really is that case."

Carlene — a favorite among prison staffers who made no secret they were pulling for her — kept the faith.

"I would get down whenever I was denied parole," Carlene says. "For a while, I was upset with the legal system because I could never get anyone to work on my side. But I never gave up. I just kept saying, 'This is going to work.'"

After 32 years of incarceration, Carlene was released Oct. 15, 2010. Her two children are now in their late 40s. She has seven grandchildren and 10 great-grandchildren. Beck and Lorenz-Moser joined Carlene for her first out-of-jail meal at a Vandalia diner, and she spent the following weeks making up for lost time during the holidays and family reunions.

Life on the outside hasn't been perfect. Carlene was diagnosed with breast cancer in March 2012 and finished treatment in February 2013. She works at the Texas County Food Pantry, helps her elderly neighbors and enjoys going to church in Houston, Mo.

"Oh, my goodness, that first day was like a dream ... to be in a car without shackles or handcuffs," Carlene remembers. "I'm happy doing what I'm doing right now. I don't plan way ahead. You learn to have patience in prison."

For Lorenz-Moser, patience and perseverance have steered her life, too. Now with two daughters, ages 3 and 6, the 200-plus annual hours she puts into her pro bono practice are even more precious. But it's worth it when she hears her clients speak of her bravery, compassion, commitment and legal talent.

"Even when Amy was pregnant, she was working on my clemency, putting in long hours," Carlene says. "She is just the greatest. She's my angel."

After her release, Carlene gave Lorenz-Moser a glass angel as a thank-you gift. It's displayed prominently in her home.

"My husband always says the closest thing I have to a hobby is getting women out of prison," Lorenz-Moser says with a smile. "It beats the heck out of tennis." **M**



**'Oh, my goodness, that first day was like a dream ... to be in a car without shackles or handcuffs.'**

† Carlene Borden's children, Tresea McKinney and Duane Borden, visited their mother in prison for Christmas in 1997.