WASHBURN UNIVERSITY
SCHOOL OF LAW
Washburn Law Clinic

To: Governor Laura Kelly

From: Washburn Law Clinic

Re: Memorandum in Support of Sarah Gonzales-McLinn's Commutation Petition

Introduction

"I was living with Hal Sasko from the age of 17 to 19," Sarah Gonzales-McLinn wrote years later from prison. She was trying to explain what those years felt like. *"When I first moved in with Hal Sasko I was relieved. I had just gotten away from a chaotic home life and was finally feeling some peace."*

Sarah described what happened next: Sasko established himself as a father figure who dismissed her parents' lives as failures to ensure she looked only to him for survival. As Sarah explained was going to "*show me how to achieve success for myself.*" This became his stated reason for curating and controlling Sarah's existence. Sasko focused on anything he personally disliked in Sarah, leaving her with a feeling of personal disgust about herself and slowly overwriting her sense of an individual identity. His snare was reinforced by engineered financial ruin, leaving Sarah indebted to him. *"I was in such financial debt to him that I couldn't afford my own phone*," Sarah wrote. He monitored every interaction to ensure the erasure was complete. So that she, in her own words, "*never forgot I was his*."

The jury never heard about Sarah's experience in 2015. Her attorneys never helped her explain how Sasko's violence toward her was intolerable, or presented the evidence of how she endured to explain why she eventually acted. By January 2014, when she killed Harold Sasko, she wasn't planning a murder. Sarah was a teenager who was planning her last attempt at resistance. She was planning an escape.

Sarah remains in prison because Harold Sasko trapped and exploited her at seventeen, and her lawyers never explained Sasko's violence and why it legally mattered. Harold Sasko was her fifty-two-year-old boss. He lured her into his apartment after she left her dysfunctional childhood home in search of what she believed would be refuge. Instead, Sasko made her call him Dad while raping her. He controlled Sarah's money and kept her paychecks in his account. Sasko would break doors, bottles, and lay his loaded gun on the table in front of him while he insulted Sarah. He monitored her movements and conversations. Every night, he slipped an itemized bill under her door: it demanded she repay the rent, groceries, even the surgeries that reshaped her body for his pleasure. Sarah never told anyone what Sasko was doing. She felt too ashamed. The surgeries made it worse; how could she explain that her body was modified for his fantasy? Shame was part of Sasko's system of control.

Sasko's control increased over time. It went from ignoring her desire not to have sex, to treating her entirely as an object and modifying her body. When Sarah resisted breast augmentation, Sasko insisted on glute implants. He drove her to the appointment and when the surgeon asked questions, Sasko answered for Sarah. She tried to signal no and said she was anxious and not sure. The surgeon looked at Sasko, not at her, and agreed to alter her body.

Within hours of the surgeries, Sasko raped her while the incisions were still fresh. She felt immobilized. She felt embarrassed she could not make him stop. This was when she most believed he would kill her.

On January 14, 2014, Sasko texted Sarah: "*put some more beer in the fridge*." She knew what this meant. When Sasko drank, he became violent. She expected him to rape her again that night. That evening, she crushed his Ambien into the beer. She waited until he was unconscious, then tied his wrists and cut into his neck with a knife.

Sarah's final action was the only violence shared with the jury during her trial. The jury never heard about Sarah's living environment. They didn't see the itemized bills he slid under her door. They didn't hear about the surgeries, the phone surrendered each night to Sasko's bedroom, the paychecks deposited in his account. They didn't know Sasko placed loaded guns on the table when he was high, or that Sarah had no money, no phone, and no one to contact. A jury that heard this would understand: Sarah was not acting with cool, calculated intent; she was acting in response to trauma and resisting Sasko's violence.

Sarah's attorneys should have shown the jury what terror looks like: the itemized bills, the surveillance, the loaded guns. Her fear was embedded in each restriction Sasko placed on Sarah; his violence invaded her body with each assault.

Ten years later, the jury foreman from her trial, told the Kansas City Star: "*If [the defense] was presented as self-defense,* ***I could see a not guilty.*** *That makes a lot of sense... I'm sure it would have changed the verdict.*" Another juror remarked how the word ***rape*** was never spoken in the deliberation room because it was never discussed during the trial.[1] On the word written in blood, the foreman said later, "*The word* ***freedom*** *makes a lot more sense. But it seems like everything worth talking about wasn't discussed*."[2]

Killing Hal Sasko was the act of a teenage girl trying to survive an environment of social entrapment and coercive control.[3] That explanation would have provided a path to a lesser

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[1] Melinda Henneberger, *Jury Foreman in Lawrence Murder Trial Has Second Thoughts*, KAN. CITY STAR (Apr. 19, 2021), https://www.kansascity.com/opinion/opn-columns-blogs/melinda-henneberger/article250733859.html.

[2] Interview by Washburn Law Clinic student-attorneys Emma Morrissey & Sarah Vargas with Darcy Gregory, Juror (Apr. 18, 2025) (Transcript on file with the Washburn Law Clinic).

[3] For the legal system's reluctance to believe survivor narratives and how coercive control including financial control, surveillance, bodily autonomy violations, and isolation creates systemic entrapment that constrains a survivor's options and decision-making capacity*)* see Elizabeth Langston Isaacs, *The Mythology of the Three Liars and the Criminalization of Survival,* 42 YALE L. & POL' REV. 427, 475–76 (2024); *see also* Carol Jacobsen et al., *Carceral Backlash: The Case for Changing the Course of Women's Homicide Convictions*, 31 UCLA J. GENDER & L. 133, 142–43 (2025) (discussing the coercive control framework and the mechanisms of systemic subordination).

conviction: Voluntary Manslaughter or Second-Degree Murder. Sarah's case warrants commutation from Governor Kelly because the legal system failed to provide the jury with the tools to reach a just verdict. As we demonstrate:

1. Sarah's post-conviction counsel, Jonathan Sternberg, was constitutionally ineffective: He failed to investigate viable claims, consult appropriate experts, identify witnesses, or interview jurors. He failed to communicate meaningfully with Sarah. He advised her to abandon her petition for a new trial without explaining what she was giving up.

2. Both trial and post-conviction counsel failed to present the correct legal defense and contextualize Sarah's actions. They never explained why Sarah's conduct was a response to abuse and control.

3. Attorney error closed the judicial avenues. Clemency is the only remaining path to correct this injustice. As other governors have recognized, when the legal system criminalizes survival, clemency can correct injustice. Sarah's case deserves the same recognition.

I. Post-conviction Counsel, Jonathan Sternberg, failed to Adequately Represent Sarah, and Therefore Should Not be Given Deference

In March 2021, Sarah Gonzales-McLinn signed a settlement agreement that modified her parole eligibility date but left her first-degree murder conviction intact. That same night, she sent her attorney eight questions. Question 4 stated: *"If the judge rules for me why would I not want a new trial*?" Question 5 stated: *"If the judge rules in my favor, what happens to the sentencing agreement? Do I have to take a Hard 25 or can I go to trial?*"

Sarah did not understand the terms of her settlement. Her attorney, Jonathan Sternberg, failed to explain to her in an effective manner what accepting the agreement meant for Sarah. She thought the judge would still rule on her claims. She thought she might still get a new trial.

Under established law, plea agreements require knowing and voluntary waiver; here, this settlement was neither knowing nor voluntary, therefore Governor Kelly should not defer to Sarah's settlement as a just sentence.[4] Sarah did not understand its terms, because she was not properly advised by Sternberg. [5]

Michelle Gonzales described why they hired Sternberg: "*a new trial…Sternberg seemed very optimistic of a really good thing.*" When the DA offered 25 to life in March 2021, Michelle said: "*and then we were blindsided…this was never communicated*." The offer wasn't what they expected because Sternberg continuously told them he was seeking an on-grid sentence.

It's not entirely clear why Sternberg failed to seek a new trial. One explanation is by the time of the settlement, Sarah's family had exhausted their ability to pay him. Sternberg accepted monthly payments of $3,000 for nearly two years. To pay for Sternberg, Robert McLinn worked 12-hour shifts, 6 days a week at the tire plant. Michelle describes it as "*Robert killing himself to help Sarah. He was exhausted.*"

Additionally, Sarah's parents were still making payments on a $50,000 loan they were given from a family friend and had liquidated the entirety of their 401K retirement accounts (incurring an early withdrawal penalty to do so) pay what Carl Cornwell charged the family. Paying Sternberg more was impossible by May 2021. From Sternberg's perspective, convincing Sarah to accept a settlement on the *Lafler* claim was an easy resolution and would end the case with some success.

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[4] In a typical *Lafler* claim, a defendant shows prejudice by demonstrating a reasonable probability that they would have accepted a formal plea offer but for their counsel's deficient advice; the prosecutor would not have withdrawn it; the court would have accepted it; and the conviction or sentence under the plea's terms would have been less severe than what was actually imposed. If a court were to apply the standard *Lafler* remedy, it would order the State to re-offer the original plea agreement. *Lafler v. Cooper*, 566 U.S. 156 (2012). The irony for Sarah is Sternberg failed in similar ways to Cornwell.

[5] *See Strickland v. Washington*, 466 U.S. 668 (1984).

When speaking with us, Michelle identified a pattern in Sarah's life: "*that was the worst part about the Hal Sasko relationship… Sarah trusted him, and needed a figure to support her*." Sarah's had a pattern of being exploitated by men who presented themselves as protective. First Sasko, then her attorneys. This pattern continued to shape her case. Sasko controlled her by imposing dependency. Cornwell controlled her defense through paternalistic refusal to follow her wishes. Sternberg controlled the post-conviction proceedings by withholding information about what accepting the settlement would mean.

While Sternberg was forming trust with Sarah, he was also communicating with the new Douglas County DA. Before taking office in January 2021, then candidate Suzanne Valdez campaigned on a platform advocating for domestic violence survivors. Sternberg arranged a Zoom meeting between Valdez and Sarah. Sternberg was already litigating Sarah's 1507 petition. Valdez told Sarah she was open to seeking an on-grid sentence. Sarah and her family understood this to mean a sentence consistent with voluntary manslaughter or second-degree murder—not first-degree murder with modified parole eligibility. Michelle said the family was *"incredibly optimistic"* and *"hopeful*."

On February 5, 2021, Sternberg wrote to Michelle:

From: Jonathan Sternberg
To: Michelle Gonzales
Subject: RE: A letter/Sarah
Date: Friday, February 5, 2021 1:37:00 PM

Please have Sarah call me when she gets a chance. I had a very good chat with Suzanne Valdez now in her official capacity this morning, and I think she's open to an "on-grid" sentence for Sarah. She wants to meet Sarah, though, and of course I'd be there, too. But I need to discuss this all with her.

Jonathan

He emailed Michelle back later in the day:

> "*Ms. Valdez seemed open to an on-grid sentence. I tentatively proposed* ***second-degree murder*** *either alone* ***or along with felony theft****, which would basically result in somewhere around a 25 year sentence and the possibility of parole earlier than that."*

Throughout the next several weeks Sternberg continued to work with the DA office and informed Sarah and her family with email updates like "*I think we're close to working out a proposed plea.".* Sternberg proposed second-degree murder. This matters. Second-degree murder is a lesser conviction: it recognizes that Sarah killed Sasko, but not with premeditation or heinous intent. This is what Sarah and her family understood Sternberg was negotiating.

For the next several weeks, Sternberg sent optimistic updates: "*I think we're close to working out a proposed plea*." Then: silence.

After nearly a month, Michelle finally emailed:

> "*Mr. Sternberg, I spoke with Sarah yesterday. She seemed frustrated and I am sure you are too. May I ask what type of sentence you are seeking with this discussion between you and the D.A.? I know your time is valuable."*

Sternberg replied:

"*I'm seeking an "on-grid" reasonable sentence with the possibility of earlier parole, which is what Suzanne Valdez seemed very amendable to."*

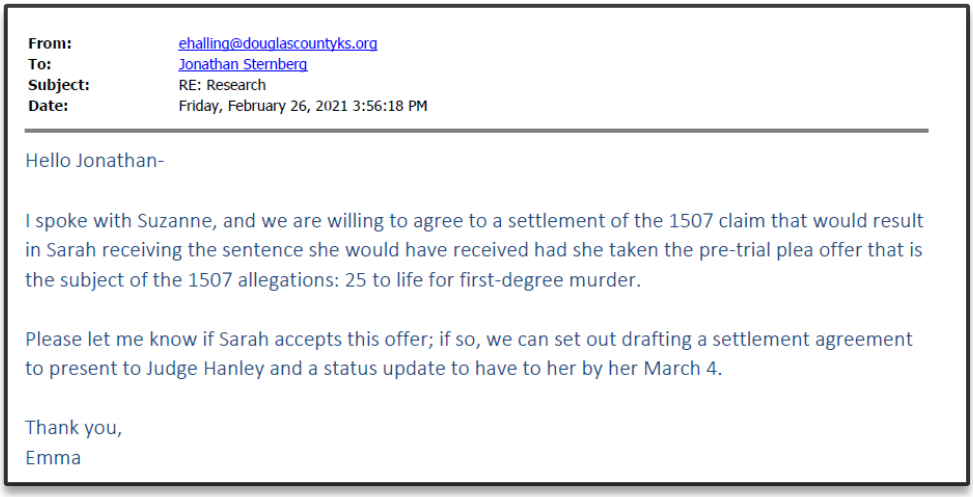
From: Jonathan Sternberg
To: Michelle Gonzales
Subject: RE: Sarah
Date: Wednesday, February 24, 2021 7:39:00 AM

Michelle (and please call me Jonathan),

I'm seeking an "on-grid" reasonable sentence with the possibility of earlier parole, which is what Suzanne Valdez seemed very amenable to. Yes, I'm very frustrated with the new and very young assistant DA, who didn't really seem to understand a lot of this. I told her we can't move forward with spending my time and your family's money on figuring out procedure until there's an actual, concrete plea offer. She said she'd get back to me with that by tomorrow.

Jonathan

Two days later, the offer arrived: **First-degree murder, 25 to life. No lesser offense. Not on-grid.** This was not the second-degree murder plea Sternberg proposed on February 5. Instead of a sentence he continuously told the family Valdez was *"very amenable to,"* this was the same conviction Sarah already had, with a earlier parole eligibility date.



From: ehalling@douglascountyks.org
To: Jonathan Sternberg
Subject: RE: Research
Date: Friday, February 26, 2021 3:56:18 PM

Hello Jonathan-

I spoke with Suzanne, and we are willing to agree to a settlement of the 1507 claim that would result in Sarah receiving the sentence she would have received had she taken the pre-trial plea offer that is the subject of the 1507 allegations: 25 to life for first-degree murder.

Please let me know if Sarah accepts this offer; if so, we can set out drafting a settlement agreement to present to Judge Hanley and a status update to have to her by her March 4.

Thank you,
Emma

Sternberg sent this to Michelle—not to Sarah—on Sunday, February 28:

> "*Frankly, the fact that there is an offer at all is extraordinary…This is the deal they proposed. Sarah certainly remains free to reject it and continue to feel about it as I always have. Unlike Carl Cornwell, I will lay all these options out for her in detail…*"

Notice Sternberg's language: *"Frankly, the fact that there is an offer at all is extraordinary*." He framed accepting the offer as the only realistic option. He told Michelle: *"Unlike Carl Cornwell, I will lay all these options out for her in detail…*" But the reality is that he never did.

Sternberg sent the plea offer to Michelle, not to Sarah, on Friday, February 26. Michelle was "*shocked and disheartened*." Sarah, isolated in prison, learned about the life-altering decision from her mother. Sternberg received the plea on Friday but would not communicate with Sarah for another three days. Michelle wrote to Sternberg:

> "*The plea offer definitely was not what Sarah expected. Sarah has been extremely emotional all weekend. She looks forward to speaking with you Monday."*

Sarah then went the entire weekend: February 26, February 27, and February 28, without speaking to Sternberg. She was isolated in prison, distraught about an offer that wasn't what she expected, and unable to talk to her own attorney.

Again, Sternberg emailed the offer to Michelle, not to Sarah. Sarah waited 72 hours to speak with her own attorney about a decision that would determine whether she spent the rest of her life in prison for first-degree murder. Frustrated, Michelle went to the press, and Sternberg cut off contact with Michelle, effectively reducing his contact with Sarah. What transpired over the next 48 hours was chaotic.

On Monday, March 1, the Kansas City Star published an article about the case. The DA's office immediately thought Sternberg was involved. The article destroyed Sternberg's relationship with Valdez's office.

Deputy Prosecutor David Milton took over the case. On March 2, he emailed Sternberg stating Sarah had four days, until March 5, to accept the deal. If she refused, the offer would be withdrawn and the office would oppose any relief. Sternberg responded with a panicked email to the DA's office:

> *"I also sincerely hope that this has not soured our relationship."*

David Melton replied:

> *"I believe it would be beneficial for you to directly address the judge regarding your role, or lack thereof, in the genesis and writing of that editorial.*"

On Wednesday, March 3, 2021, Sternberg briefly met with Sarah in prison where he told Sarah that there was no other option than for her to agree to be resentenced. Sternberg applied

pressure on Sarah, incorrectly instructed her about her options, and then severely limited contact with her until the court date.

Sarah officially received the notice of plea offer on Monday, March 1 and after less than 48 hours of deliberation, and with only one additional discussion with Sternberg, agreed to accept the offer on Wednesday, March 3. Later that night, she sent eight questions through her mother.

Here is the full email Michelle sent Sternberg that night:

From: Michelle Gonzales
To: Jonathan Sternberg
Subject: Sarah McLinn
Date: Wednesday, March 3, 2021 9:38:16 PM

I spoke with Sarah today, she stated she took the offer. I mentioned to her I had a few questions for you Sarah was ok with me asking them.

1. Do we know if the judge is going to rule in my favor or not?

2. Why are we entering a sentencing agreement before the judge has made her decision?

3. If the judge rules against me, what happens to the sentencing agreement? Will I be looking at a Hard 25 or a Hard 50?

4. If the judge rules in my favor why wouldn't I want a new trial?

5. If the judge rules in my favor, what happens to the sentencing agreement? Do I have to take a Hard 25 or can I go to trial?

6. If the agreement is 25 years to life, what guarantees do I have that I'll be released after serving 25 years? Will my release have to go through some kind of parole board type hearing?

7. If I go to trial, will my family have to pay for another defense attorney?

8. When does the agreement become public record? Or is it a secret?

Thank you for taking the time to answer these questions in order to give us a clearer understanding of how this all came about.

Sincerely
Michelle Gonzales

Question 4 and 5 revealed the depth of her confusion: "*4. If the judge rules for me why would I not want a new trial*?" and "*5. If the judge rules in my favor, what happens to the*

sentencing agreement? Do I have to take a Hard 25 or can I go to trial?" Sarah thought the judge would still rule on her post-conviction petition. She thought if the judge ruled *in my favor*, she could still go to trial. She didn't understand that by accepting the settlement, she had waived the judge's ruling and abandoned her only remaining pathway to a new trial.

Fundamentally, Sarah didn't understand what she was signing. Sternberg's duty was to explain that she could still prevail on her petition, that accepting the settlement meant abandoning her opportunity for a new trial, and that she had a viable defense. If he had, she would have resisted his instruction to abandon her habeas petition.

But Sternberg never had this basic conversation with her. As we discovered, he also never developed a plan to properly litigate her case or prepare for a new trial claim.

II. Why the Jury Never Heard About Sasko's Coercive Control: The Failure That Occurred at Trial and Was Never Corrected Post-Conviction

Sarah's trial attorney, Carl Cornwell, never explained to the jury what Sasko did to her. He never showed them the nightly itemized bills, the forced surgeries, the financial control, the surveillance. He never explained that someone living in this environment cannot form the 'cool reflection' Kansas law requires for first-degree murder. Sternberg's job was to fix this. But Sternberg made several of the same mistakes Cornwell did. Both attorneys pathologized Sarah instead of explaining her reality. [6]

Following Sarah's case, the Kansas Supreme Court established that "additional language [for juries to determine if premeditation existed] is appropriate when the temporal language could be confused…" These are factors that were previously recognized, but re-emphasized by the state

[6] *See* Julia Tolmie, Rachel Smith & Denise Wilson, *Understanding Intimate Partner Violence: Why Coercive Control Requires a Social and Systemic Entrapment Framework*, 30 VIOLENCE AGAINST WOMEN 54, 60 (2024) (defining coercive control as a system of microregulation where abusers "set rules dictating many aspects of the criminalized survivor's life to condition the primary victim to obey . . . commands without regard to their substance").

supreme court: (1) nature of the weapon used; (2) lack of provocation; (3) defendant's conduct before and after the killing; (4) threats and declarations of the defendant before and during the occurrence; and (5) dealing of lethal blows after the victim was rendered helpless. The number of factors present does not affect the analysis of what inferences can be reasonably drawn, because in some cases one factor alone may be compelling evidence of premeditation.[7]

At the time, the State's case required proving premeditation—that Sarah acted with 'cool reflection.' Cornwell's defense was that Sarah had Dissociative Identity Disorder (DID). Dr. Hutchinson, the identified expert witness psychologist, testified about Sarah's multiple personalities. The theory was that these alternate personalities prevented Sarah from forming the intent required for first-degree murder.

Justice Johnson, dissenting from the decision, identified the problem: "[this defense] *prevented the jury from considering whether McLinn's illness negated her ability to form a culpable mental state required by the definition of first-degree murder*." [8] The jury was confused by testimony about multiple personalities. They had no framework for understanding Sarah's actions. [9]

The jury foreman later confirmed the DID defense left Sarah, "*underrepresented*" and "*didn't help make sense of things*." He noted that the prosecution's narrative was "*like Swiss cheese. There were obvious holes in that*," and that "*everything worth talking about wasn't discussed*."

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[7] *State v. Zongker*, 319 Kan. 411, 417 (2024).
[8] *State v. Mclinn*, 307 Kan. at 349, 351 (Johnson, J., dissenting).
[9] *See* Jordan Robinson, *Sin, Sickness, or Self-Defense? How Medicalizing Women's Acts of Survival Confounds Justification and Excuse, and Undermines Justice*, 58 UIC L. Rev. 699, 705 (2025) (arguing that requiring survivors to claim a "syndrome" undermines arguments of reasonable self-defense_.

Both Cornwell and Sternberg made the same fundamental mistake: they pathologized Sarah instead of explaining what Sasko did to her. Cornwell testified about multiple personalities. Sternberg argued Battered Woman Syndrome. Neither explained the documentary evidence of coercive control that would have challenged the State's premeditation theory. The jury could not even begin to understand Sarah's actions. They saw evidence of intent and concluded it was premeditation.

Sternberg acknowledged in his own petition that Cornwell's DID defense was "*a fundamental miscalculation*." Yet, Sternberg's strategy was to argue Battered Woman Syndrome (BWS). BWS requires proving the defendant reasonably believed she faced imminent harm. Sasko was asleep. The argument was never viable.[10]

Battered Woman Syndrome isn't inherently wrong as a legal framework. It emerged from serious scholarship based on how prolonged abuse affects victims' psychology and behavior. In some cases, BWS testimony has helped juries understand why a woman might stay with an abuser, or why she might perceive danger that others don't see.[11]

The problem in Sarah's case wasn't that BWS is always inappropriate. The problem was that it did not fit. BWS works best when a victim kills during a confrontation: when she can argue that her perception of imminent danger, shaped by years of abuse, made her response reasonable in that moment.[12] But Sasko was unconscious. No amount of expert testimony about Sarah's

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[10] As legal scholars note, attempting to fit non-confrontational killings into self-defense doctrines often fails because it requires stretching "imminence" beyond its breaking point. Alexandra Moore, *Battered Woman Syndrome: When Justice Annexes the Space for Mercy*, 101 TEX. L. REV. 1233, 1245 (2023).

[11] Rachel Louise Snyder, *When Do Women Have the Right to Kill in Self-Defense?*, N.Y. Times (Sept. 4, 2024), https://www.nytimes.com/interactive/2024/09/04/opinion/women-kill-self-defense.html; *see also* Jessica R. Holliday, Dale E. McNiel, Nathaniel P. Morris, David L. Faigman & Renée L. Binder, *The Use of Battered Woman Syndrome in U.S. Criminal Courts*, 50 J. AM. ACAC. PSCHIATRY & L.373, 375–76 (2022).

[12] For a detailed criticism of BWS as a proper explanation for Sarah's behavior and motivation for defending herself, see Inès Zamouri, *Self-Defense, Responsibility, and Punishment: Rethinking the Criminalization of Women Who Kill Their Abusive Intimate Partners*, 30 UCLA J. GENDER & L. 203 (2023).

psychological state could overcome the fact that Kansas law requires both subjective and objective reasonableness, and the judge correctly identified that an unconscious man poses no objectively imminent threat.

Sternberg knew this. The transcript shows the judge correcting him repeatedly about the imminence requirement. Yet he never pivoted to the framework that would have worked: coercive control as evidence that Sarah couldn't form the cool reflection required for first-degree murder. This wasn't a choice between two seemingly viable strategies. It was a fundamental misunderstanding of which legal theory fit Sarah's facts.

Sternberg also planned to use the same expert, Dr. Hutchinson (who testified about Alyssa and Vanessa and "the System of Sarah"), to now testify about BWS. Dr. Hutchinson was not equipped to explain coercive control. She already failed once by pathologizing Sarah instead of explaining her reality. The jury foreman said her testimony "*didn't help make sense of things*." Sternberg's plan was to have her testify again about a different syndrome.

At the post-conviction hearing, the judge asked the obvious question: "*How does an unconscious man pose imminent danger?*" Sternberg had no answer. He tried to argue Sarah's belief was *subjectively reasonable* even if not *objectively reasonable*. The judge corrected him; Kansas law requires both. Sternberg tried again. The judge corrected him again. Sternberg's answer wandered through eight pages of transcript because he was trying to fit Sarah's case into a framework that couldn't accommodate it.

BWS suggested Sarah actions resulted from psychological dysfunction. But Sarah was responding to objective danger: a man who raped her, controlled her money, surveilled her movements, forced her to undergo surgeries, and placed loaded guns on the table when high.

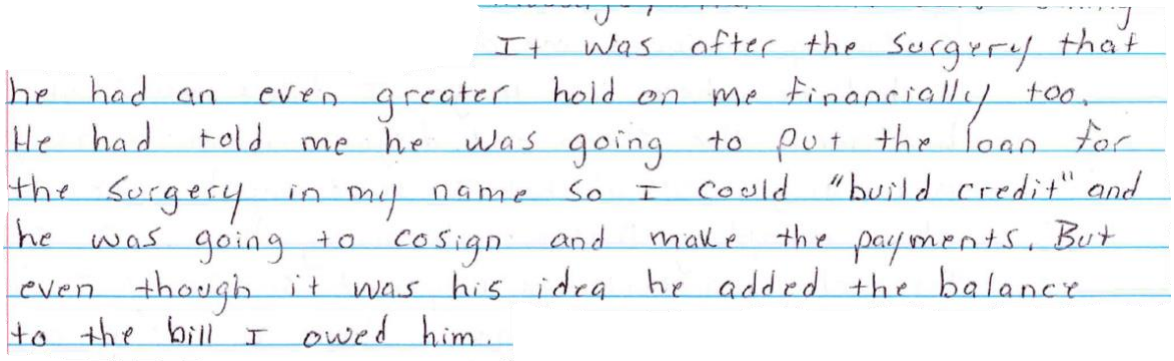
The State's case rested on a narrative that the steps to kill Sasko in his sleep reflected a deliberate choice to commit first-degree homicide. This narrative has some force. Sarah's behavior does not fit into the archetype of a woman who grabs the nearest weapon to fend off a man's abrupt attack. However, this template fails to account for the many scenarios where women defended themselves from violent partners, and the law allows a defendant to introduce evidence which supports imperfect self-defense.[13]

The same facts the State characterized as premeditation—the crushing of pills, the careful timing—becomes something else when understood through coercive control. Rather than the planning of a predator, is instead shown to be the constrained problem-solving of someone who has calculated that she has one chance to escape.

The question isn't whether Sarah planned to resist Sasko by killing him; she did. The question is whether planning, under these circumstances, proves the cool reflection Kansas law requires. Or whether someone living in Sarah's environment—systematically isolated, financially controlled, physically modified for her abuser's pleasure, anticipating being raped again that night—can form that culpable mental state.

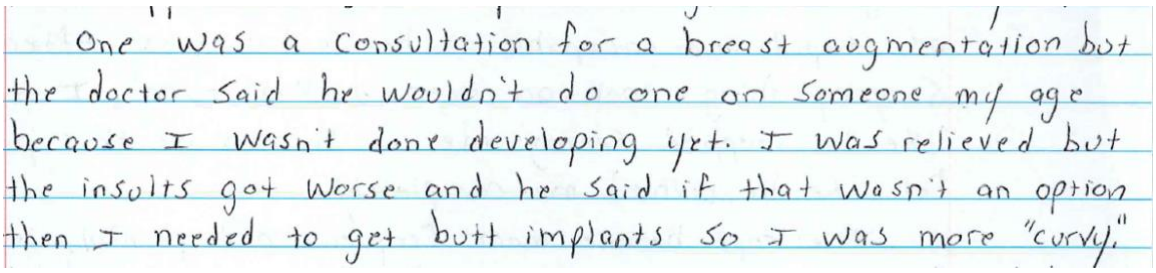
[13] *See State v. Kirkpatrick,* 286 Kan. 329 (2008) (finding that imperfect self-defense is based on an unreasonable but honest belief in the need for force; it does not absolve a defendant of criminal liability but instead reduces the crime from murder to voluntary or involuntary manslaughter.)

Coercive control evidence would have shown the jury that Sarah wasn't capable of cool reflection because Sasko had systematically eliminated her autonomy through controlling her.

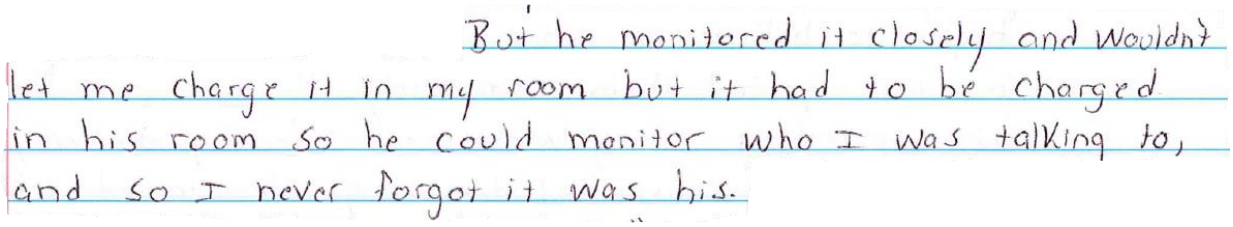

It was after the surgery that he had an even greater hold on me financially too. He had told me he was going to put the loan for the surgery in my name so I could "build credit" and he was going to cosign and make the payments. But even though it was his idea he added the balance to the bill I owed him.

Financial control: Sasko kept Sarah's paychecks into his own account. She had no independent access to funds. Each night, he slipped an itemized bill under her door charging her for rent, groceries, utilities. The bills established a debt she could never repay. This created financial dependence: she couldn't leave because she had no financial means of escape.

Bodily control: When Sarah resisted breast augmentation, Sasko insisted on glute implants. He drove her to the appointment. When the surgeon asked Sarah questions, Sasko answered for her. Sarah tried to signal no. The surgeon looked at Sasko, not at Sarah, and performed the surgery. Then Sasko raped her while she was recovering, immobilized. This created shame: she couldn't ask for help because her body showed 'choices' she had made.


One was a consultation for a breast augmentation but the doctor said he wouldn't do one on someone my age because I wasn't done developing yet. I was relieved but the insults got worse and he said if that wasn't an option then I needed to get butt implants so I was more "curvy."

Surveillance: Sarah surrendered her phone to Sasko's bedroom each night. He monitored her movements and conversations. He told her there might be hidden cameras. This created isolation: she couldn't call for help, couldn't confide in anyone.


But he monitored it closely and wouldn't let me charge it in my room but it had to be charged in his room so he could monitor who I was talking to, and so I never forgot it was his.

Violence: Sasko broke doors and bottles. He placed loaded guns on the table when high. He raped Sarah repeatedly, especially when she was incapacitated from the surgeries. This created fear: she believed he would eventually kill her.

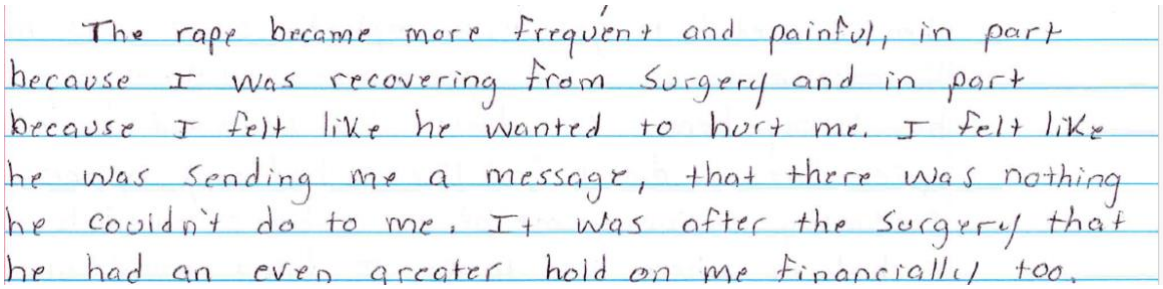
Sasko eliminated Sarah's dignity and agency with intimidation, humiliation, and violence. The surgeries made this worse. This evidence needed to be admitted and had a path to do so. Relevant evidence should have been admitted demonstrating this environment.[14] The jury should have then been asked "*is this evidence of a cold-hearted killer, possessing premeditation*" or "*does this evidence support a lesser included charge which explains a coercive environment*?"

Coercive control would have explained everything the jury found confusing. The jury needed evidence that Sarah honestly believed deadly force was necessary, even if that belief was unreasonable. The jury instructions required them to find that Sarah killed "*upon deliberation and*

[14] The coercive control evidence is relevant under K.S.A. 60-410 (defining relevant evidence) and Sarah had a constitutional right to present the evidence. These issues, however, were waived by trial counsel when Cornwell did not raise them and were not relitigated by Sternberg. As the Supreme Court has held the Constitution guarantees criminal defendants "a meaningful opportunity to present a complete defense." *See Crane v. Kentucky,* 476 U.S. 683, 690 (1986); *see also* Jessica Broderick, *Reverse 404(b) Evidence: Exploring Standards When Defendants Want to Introduce Other Bad Acts of Third Parties,* 79 COLO. L. REV. 587, 587 (2008).

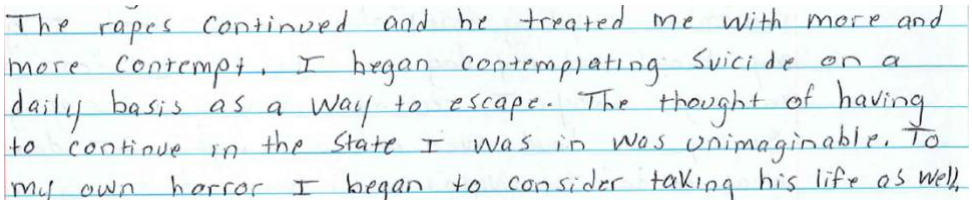
with design." But what does cool reflection mean for someone living in the environment Sarah describes?

Sarah described to us the moment she realized the danger was intolerable: "*After the surgery things took an even darker turn, I felt like he stopped seeing me as human at this point. He felt like he owned me completely.*" This wasn't paranoia. Sasko had literally modified her body without her meaningful consent and proceeded to rape her hours after the glute augmentation surgery.


The rape became more frequent and painful, in part because I was recovering from surgery and in part because I felt like he wanted to hurt me. I felt like he was sending me a message, that there was nothing he couldn't do to me. It was after the surgery that he had an even greater hold on me financially too.

In her letter, Sarah explained the limits on leaving:

> *"I was in such financial debt to him that I couldn't afford my own phone so he 'allowed' me to use an extra one he had. But he monitored it closely and wouldn't let me charge it in my room but it had to be charged in his room so he could monitor who I was talking to*."


The rapes continued and he treated me with more and more contempt. I began contemplating suicide on a daily basis as a way to escape. The thought of having to continue in the state I was in was unimaginable. To my own horror I began to consider taking his life as well.

This wasn't metaphorical imprisonment; it was systematic elimination of the tools anyone needs to escape: money, communication, transportation. She wrote about the nightly bills slipped under her door, itemizing what she "owed" for rent, groceries, even the surgeries Sasko forced her to undergo. She described how "*every tool I could have used to access other people was controlled*

by him." She explained how shame compounded her isolation: "*The surgeries made it worse—how could I explain that my body had been modified for someone else's pleasure?*"

Social science research on coercive control helps explain how this environment affects decision-making. When an abuser constructs every aspect of a victim's environment, including finances, communication, bodily autonomy, the victim's choices become systematically constrained. It isn't a psychological syndrome that impairs reasoning. It's a rational response to objectively limited options.[15]

Unlike BWS, coercive control doesn't require proving imminent danger. She did not kill to repel a sudden attack, she instead wanted to escape Sasko's violence. She crushed the Ambien carefully because she knew she'd have one chance. She used a knife because she couldn't overpower Sasko physically. She waited until he was unconscious because that was the only time she wasn't under surveillance. This is the decision-making of someone who understands her constraints, not the 'cool reflection' of someone weighing options freely. It's evidence that supports Voluntary Manslaughter; and the jury never saw it.

Let's return to the text message on January 14, 2014. Sasko texted Sarah: "*put some more beer in the fridge*." The jury heard about this text at trial. Without coercive control evidence, it seemed like a trivial request. But within the context of Sasko's pattern of control, Sarah understood this text as a signal. This wasn't a request; it was a demand. When Sasko drank, he became more violent. The worst assaults happened when she was incapacitated—recovering from the surgeries, unable to fight back. She believed he would eventually kill her. The text message told her it might be that night. This wasn't paranoia—it was pattern recognition based on months of abuse.

[15] Kelly Hennessy, *"I Just Didn't Want It to Be Me": The Social Entrapment Framework in Self-Defense Claims of Criminalized Survivors,* 93 GEO. WASH. L. REV. 934 (2025).

Coercive control evidence would have given the jury this context. They would have understood that Sarah's response to the text message was fear based on Sasko's documented pattern of violence.

The evidence was relevant and supported finding Sarah guilty of voluntary manslaughter instead of first-degree murder. Voluntary manslaughter is when the defendant honestly believed deadly force was necessary, even if that belief was unreasonable. Sarah believed killing Sasko was her only way to prevent him from raping and possibly killing her that night. That belief was honest and based on months of documented abuse. Writing freedom on the wall wasn't evidence of malice. It was Sarah's message that she had succeeded in escaping from Sasko.

Whether it was reasonable is the question a jury should have decided after hearing about Sasko's control. The jury foreman later said: "*If it was presented . . . I could see a not guilty. That makes a lot of sense... in today's age I'm sure it would' have changed the verdict*." The foreman recognized the jury never heard the evidence they needed.

Sternberg's job was to prove this failure denied Sarah a fair trial. Instead, he repeated Cornwell's mistake of pathologizing Sarah instead of explaining Sasko's control. At the post-conviction hearing, Sternberg talked about Sarah in abstractions: *the defendant*, or *a battered woman.* He never described what happened to her: She was seventeen when her mother told her to leave. Harold Sasko was fifty-two. He let her move into his apartment. He made her call him Dad while he raped her. He deposited her paychecks into his account and slipped itemized bills under her door each night. He drove her to surgical appointments and answered the surgeon's questions while Sarah tried to signal no. He raped her while she was immobilized, recovering from surgeries he had forced on her. He placed loaded guns on the table when he was high. On January 14, 2014, he texted her to put beer in the fridge: the signal that he would drink, become violent, and rape her

again that night. She crushed Ambien into the beer, waited until he was unconscious, and killed him.

Sarah killed Sasko the way someone escapes from captivity: carefully, knowing she would have one chance, ensuring she succeeded. This wasn't cool reflection. This was a teenager trying to survive.

But Sternberg missed this. Because he misdiagnosed the legal problem, he never developed the evidence. Because he never developed the evidence, he had no leverage in negotiations. Because he had no leverage, he accepted a settlement that left Sarah's first-degree murder conviction intact. Because he never explained what she was giving up, Sarah signed the settlement without understanding she was abandoning her right to a new trial.

So, Sarah remains in prison. But for Mr. Sternberg's multi-part failure, Sarah would not have abandoned Ground IV of her 1507 petition; and there is a reasonable probability she would have won a new trial based on that petition.

III. Governor Kelly Can – and *Should* – Join the Growing List of Governors Who Are Providing Commutation to Similarly Situated Female Defendants.

When women are convicted of killing their abusers, governors have recently used clemency to restore justice. These governors have recognized that the legal system fails to properly account for how coercive control shapes culpability and Governor Kelly now has the same opportunity.

Governor Kathy Hochul – New York

In 2022, Governor Kathy Hochul granted clemency to Jacqueline Smalls, a survivor of domestic violence convicted of fatally stabbing her abuser. Governor Hochul explicitly framed her decision as an act of justice for survivors who were criminalized for acts of self-preservation, expressing the state has a duty to "*right past wrongs*" where the justice system failed to understand

the role of domestic violence in shaping a defendant's actions.[16] Her office further established a continuing review process for incarcerated women whose convictions stemmed from patterns of intimate partner violence (IPV), acknowledging the justice system has too often treated survival as criminal intent.

Traditional self-defense laws are applied unequally. An analysis of FBI homicide data suggests that justifiable homicide rulings are significantly more likely when men kill men than when women kill men.[17] This disparity highlights why executive clemency is a necessary check on a system that often criminalizes female survival.

Governor Gavin Newsom – California

Governor Gavin Newsom has likewise used clemency to address the intersection of trauma and incarceration. In 2022 He pardoned *Sara Kruzan*, a woman who was sentenced to life without parole as a teenager for fatally shooting a man who abused and sex trafficked her. Governor Arnold Schwarzenegger previously commuted her sentence to 25 years to life in 2010. However, Governor Newsom recognized the effective ramifications of Sara still having a life sentence. Clemency was her only remaining legal relief, and he stated that "*this act of clemency does not minimize or forgive her conduct, it recognizes the work she has done since to transform herself.*" [18] Newsom further stated, "*Ms. Kruzan committed a crime that took the life of the victim. Since then, Ms. Kruzan has*

[16] Governor Kathy Hochul, Executive Clemency Announcement, 2022 – clemency granted to Jacqueline Smalls (New York State Press Office).

[17] Rachel Louise Snyder, *When Do Women Have the Right to Kill in Self-Defense?*, N.Y. Times (Sept. 4, 2024), https://www.nytimes.com/interactive/2024/09/04/opinion/women-kill-self-defense.html. [cite_start]^2 Elizabeth Flock, *How Far Can Abused Women Go to Protect Themselves?*, New Yorker (Jan. 20, 2020), https://www.newyorker.com/magazine/2020/01/20/how-far-can-abused-women-go-to-protect-themselves.

[18] Office of Governor Gavin Newsom, Official Pardon Statement for Sara Kruzan, 2022.

transformed her life and dedicated herself to community service." Kruzan was released after serving 18 years in prison.

Governor Phil Murphy – New Jersey

In 2024, in perhaps the most comprehensive program thus far, New Jersey Governor Phil Murphy announced a statewide clemency initiative focused on survivors of abuse and coercive relationships. [19] Under this program, Governor Murphy commuted the sentences of three women convicted of killing their abusers. His administration cited data that found 72% of first-time offenders imprisoned for a violent crime at the state's women's prison were abused by their victims.

In 1999, New Jersey female defendant Dawn Jackson took a plea deal and was sentenced to 30 years in a New Jersey prison for killing her step-grandfather, Robert McBride. Jackson, then 27, stabbed him in the chest and stole money to buy cocaine. In appellate attempts she demonstrated McBride raped her multiple times since she was a child, abuse that she also suffered at the hands of several other male family members starting when she was five.

Governor Murphy elected to commute the sentences of Jackson and two similarly situated defendants in his first act of clemency as a Governor. His spokesperson stated, "*Governor Murphy unequivocally believes in second chances for rehabilitated individuals. Understanding the circumstances that victims of abuse face leading to their crimes, and the unique situations of each case…* [Gov. Murphy] *is committed to supporting survivors of sexual and domestic violence in any way he can.*"

Governor Kelly should join these individuals in exercising her clemency powers

[19] Bolts Magazine, "New Jersey Launches Clemency and Sentencing Reforms for Survivors of Abuse," 2024; https://boltsmag.org/new-jersey-clemency-and-sentencing-for-survivors-of-abuse/

Each of these Governors acted upon the same foundational truth that now confronts Governor Kelly: survivors of prolonged abuse may commit acts of violence not from malice, but from the psychological and physical entrapment of their circumstances. These leaders understood that executive clemency is not merely an act of compassion, but an act of moral necessity, restoring balance where defendants have been continually disenfranchised by our justice system.

Sarah's case presents the same facts that led other governors to act:

- **Prolonged abuse and coercive control:** Like Jacqueline Smalls, Sara Kruzan, and Dawn Jackson, Sarah was trapped by her abuser through isolation, financial control, and violence.
- **A killing that was survival, not murder:** Like these other women, Sarah killed to escape captivity—not from malice, but from desperation.
- **Attorney failure that denied a fair trial:** Sarah's attorneys never explained to the jury what her planning actually was: the constrained decision-making of someone with no other options.
- **A procedural foreclosure of justice:** Like Sara Kruzan's life sentence that persisted even after commutation, Sarah's first-degree murder conviction remains intact despite the 2021 settlement. Attorney error has closed the judicial path to justice.

Governor Kelly now has the same opportunity these other governors took: to recognize that the criminal justice system failed Sarah, and to use executive clemency to correct that failure.

Conclusion

Sarah has now been incarcerated for nearly twelve years for first-degree murder. She has no judicial avenues for relief because attorney error foreclosed them. Sarah's trial attorney, Carl Cornwell, pathologized her instead of explaining what Sasko did to her. Her post-conviction attorney, Jonathan Sternberg, repeated the same mistake. He never developed the coercive control

evidence. He never explained to Sarah that she was abandoning her only chance to show a jury the full story.

The question before Governor Kelly is this: Should a woman who killed to escape captivity remain in prison for first-degree murder because her attorneys failed to explain what captivity means?

The judicial system cannot answer this question. Attorney error has foreclosed the judicial path. But executive clemency exists precisely for cases like this—where the legal system has failed to produce a just outcome.

Governor Kelly has the authority to recognize what the trial court never heard: Sarah Gonzales-McLinn killed Harold Sasko to escape a system of control that eliminated every other exit. That act, shaped by prolonged abuse, constrained by eliminated options, directed toward survival, is not first-degree murder.

Sarah Gonzales-McLinn respectfully requests that Governor Kelly commute her sentence.

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