

Michelle Bazzetta, 205347

Parole eligible since 1998

Although her sentencing judge wanted to change her life term so that Bazzetta could earn her release, the appellate courts would not permit it.

Joseph Bazzetta hated his stepmother, Helen Bazzetta, so much that in August 1983 he strangled her to death in his home. Her body was not discovered until nearly five years later in a wooded area in Oakland County. Joseph and his wife, Michelle, were arrested and tried for first-degree murder.

Michelle Bazzetta, who was not yet married to Joseph at the time of the killing, maintains that she was awakened by Helen's screams and that her only role was to help dispose of the body. She says she never went to authorities because she feared Joseph, who frequently beat her, and because he had convinced her that she would also be charged with murder. At trial, the defense submitted evidence that Joseph Bazzetta had abused Michelle, but did not call an expert on battered women's syndrome to explain the impact such abuse can have. The prosecution theorized that if she were not guilty herself, she would have come forward. Joseph was found guilty but mentally ill and sentenced to life without parole. The jury found Michelle guilty of second-degree murder.

By the time Bazzetta was sentenced in November 1989, judges knew that perceptions of parolable life terms varied widely. Faced with numerous requests for both leniency and harsh punishment, Judge Gene Schnelz was extremely ambivalent about Bazzetta and struggled to determine the appropriate sentence. He expressed the belief that Bazzetta had willingly participated in the murder

but that she also had the "potential to do good." After acknowledging that most people sentenced for second-degree murder receive minimum terms of about 20 years, he concluded:

I, therefore, feel that the fairest sentence under the circumstances, to allow sufficient time to elapse to determine whether you, in fact, are capable of rehabilitation and are not a danger to society, would be a sentence of life.

He indicated that Bazzetta could earn release by doing well in prison.

Bazzetta began by passing the GED exam while still in jail. In prison, she obtained an associate's degree and a bachelor's degree with high honors. She is currently studying for a master's degree at her own expense. College instructors have found her to be passionate about learning, assertive yet tolerant and a dynamic speaker.



Michelle Bazzetta-Southers

Since 1994, Bazzetta has been employed as a peer educator for HIV/AIDS/hepatitis prevention and treatment, working with newly-arrived women prisoners. Bazzetta mentors youthful offenders and received a certificate for outstanding achievement as a prisoner representative on the Warden's Forum.

Bazzetta studied the dynamics of Battered Women's Syndrome and actively participated in group therapy

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gist Nels Thompson, who facilitated the group, wrote of her:

Ms. Bazzetta-Southers has used her time of incarceration very wisely. She is no longer a victim, takes responsibility for her behavior and actively helps other women in her environment to realize their own potential . . . It is my professional opinion that Michelle Bazzetta-Southers is not a threat to society. She would be an asset. If she were released from incarceration, I believe her prognosis is excellent and that she would remain free of future toxic relationships.

She and Joseph divorced.

Bazzetta regularly participates in religious services and has nurtured a deeply spiritual outlook. Staff and prisoners view her as a leader. Volunteer Isabell Joy Yingling writes:

At the monthly National Lifer Association meetings, which I sponsor, it is clearly evident that Michelle is respected by the women at Scott. The inmates and staff alike . . . depend on Michelle for her mature perspective on life and her willingness to help others who are in need of advice, a pep talk, or simply someone who will listen to their grievances.

When Bazzetta first became eligible for parole in 1998, the board continued her for five years. In 2001, she returned to the trial court to seek a resentencing. She argued that the current board's "life means life" policy subverts the intention of the judge, who never meant for her to die in prison if she showed evidence of rehabilitation.

Judge Schnelz agreed that the revised policy "is not what I understood at the time." To avoid injustice, he decided to resentence Bazzetta to the average indeterminate sentence for second-degree mur

der – a minimum of about 20 years, which, with all available disciplinary credits, she could serve in about 17.

The prosecution appealed. In 2003, the Court of Appeals, in a 2-1 decision, reversed the trial court's ruling and reinstated Bazzetta's life sentence. The majority found that there had been no misconception of law or frustrated intent because Judge Schnelz had been aware that although legally eligible for parole, few lifers actually gained release. It held that a trial judge cannot change his mind about a sentence years later because the defendant has established an impressive prison record. It also held that Judge Schnelz had "improperly assumed the role of the parole board and determined that defendant had earned her parole." The Michigan Supreme Court declined to hear the case, ending any hope that Bazzetta could obtain relief from state courts.

Later in 2003, the parole board considered Bazzetta again and continued her for another five years. Her next routine review will be in 2008.

In September 2009 she was paroled.