

*Submitted by Jodi Robinson*

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## WITH VIDEO: Family hopes convicted killer is not released

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By ANN ZANIEWSKI  
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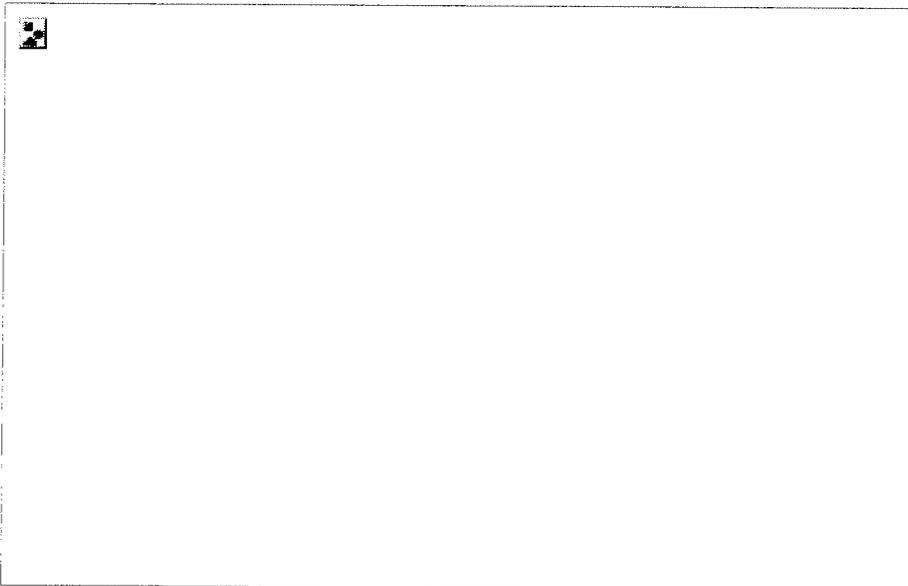
James Cotaling had been missing for three days in May 1990 when his stabbed body was discovered under blankets in a corner of a house in Pontiac.

Two people were convicted of murder and given lifetime prison sentences.

Earlier this year, Cotaling's family members got shocking news: One of the convicted killers, Barbara Hernandez, had been granted a public hearing on her petition for commutation. The hearing was last month and now the parole board will make a recommendation to Michigan Gov. Jennifer Granholm, who will decide whether to grant a commutation request.

"I just was in utter shock," said Cotaling's sister, Jody Robinson Cotaling of Davisburg. "The state of Michigan had guaranteed me that I wouldn't have to relive this nightmare. She was given a life without the possibility of parole sentence."

Family members of the victim say they are especially worried that Hernandez will be freed because Granholm has granted an increased number of commutations in recent years.



Commutations

According to Granholm's office, the governor has granted a total of 141 commutations and five pardons. She granted two commutations in 2003 and 2004, three in 2005, two in 2006 and nine in 2007.

The numbers jumped considerably higher in 2008, when 45 commutations were granted. Granholm gave 57 commutations in 2009, and 21 so far in 2010.

Tiffany Brown, a spokeswoman for Granholm's office, said in an e-mail that those commutations included 34 people who were convicted of first-degree murder and five people who were in prison on convictions of second-degree murder. Sixty-four commutations, including 15 of the 39 murder commutations, were granted for medical reasons, Brown said.

She also said 25 of the commutations were issued to foreign nationals in state prisons with immigration detainees. Twenty-four of the 141 people with commuted sentences have since died.

Generally, prisoners or someone acting on their behalf have to apply for a clemency review. Twelve clemency hearings have been held so far this year, with 10 more scheduled through April, according to the Michigan Department of Corrections.

Brown said the increase in commutations is a result of two changes Granholm has made to the clemency process. In February 2007, Granholm created the seven-member Executive Clemency Advisory Council to help the Michigan Parole and Commutation Board with its review process. The governor asked the council to give priority to applications from prisoners who are medically frail, nonviolent elderly inmates or foreign nationals who would be deported when they're released. The governor is focused on prisoners who would not be a risk to public safety, Brown said.

Brown also wrote that in February 2009, Granholm grew and reorganized the parole board "to achieve more effective implementation of corrections policy, greater administrative efficiencies in the Department of Corrections, enhanced accountability to elected officials, increased consideration of parole and commutation requests and reductions in corrections expenditures."

Brown said none of the commutations were for budgetary reasons.

John Cordell, a spokesman for the Michigan Department of Corrections, said the MDOC has a roughly \$2 billion budget. He said \$120 million was cut out of the department's 2009 budget, resulting in the closure of three prisons and five camps, and the loss of about 5,400 beds.

State officials have been grappling in recent years with declining tax revenues and other budget challenges.

"We're one of four states that has a larger corrections budget than a higher education budget. I don't think anyone sees that as a positive," Cordell said.

"One of the ways that we can create a smaller corrections system is to look at individuals who can be safely released through the commutation process and no longer pose a threat to society."

'Locked up forever'

On May 12, 1990, 28-year-old auto mechanic James Cotaling left his house in Auburn Hills and headed to Pontiac to buy a Mother's Day card.

He encountered Hernandez in the city. Posing as a prostitute, she lured him to an abandoned home she shared with her boyfriend on Howard Street.

Cotaling was stabbed more than two dozen times and nearly decapitated.

Hernandez, who was 16, and her older boyfriend, James Roy Hyde, were arrested in Ohio the next day. The couple had Cotaling's vehicle. Hernandez confessed.

According to past Oakland Press stories, Hernandez testified that Hyde had instructed her to buy a knife and then get someone to come back to the house so they could steal his car.

Hyde and Hernandez were convicted on murder and robbery charges. They were sentenced to life in prison.

Officials with the Michigan Women's Justice & Clemency Project have kept track of Hernandez and filed petitions for clemency on her behalf.

Carol Jacobsen, director of the Justice & Clemency Project, said Hernandez had a horribly abusive home life and was preyed upon by Hyde, who had threatened her. Hyde, not Hernandez, was the killer, she said.

"She takes responsibility for being there, for buying a knife, which (Hyde) forced her to buy for him. ... She was a 16-year-old kid, runaway, abused and under horrible duress," Jacobsen said.

"She has now served over 20 years in prison, she has taken all the classes and programs that have been available to her. She has done everything she can to rehabilitate herself. She poses no threat to anyone."

Cotaling's family members believe the evidence shows Hernandez took part in the murder.

And, they say she has not exactly been a model prisoner. From 1997 through 2007, Hernandez has had 17 misconduct reports for such things as disobeying a direct order, fighting and introducing a controlled substance into a correctional facility.

"She should stay locked up forever," said Roberta Featherstone, a White Lake Township resident and Cotaling's sister.

On March 15, a five-hour commutation hearing was held at the G. Robert Cotton Correctional Facility in Jackson.

Jody Robinson Cotaling said prosecutors from the Attorney General's Office and Oakland County Prosecutor's Office were present. Two dozen of the victim's relatives also were there, and some spoke to the parole board.

Hernandez was questioned and denied stabbing Cotaling, but also gave inconsistent answers about her involvement, Robinson Cotaling said.

The next step is for the parole board to meet and vote on a recommendation to the governor. If Granholm decides to grant the commutation request, the board votes on a parole. If the board votes to grant parole, the parole term would be for four years.

Jacobsen said she is not only pulling for Hernandez to have her sentence commuted, but she believes in general that there haven't been enough commutations.

"Our state spends more on prisons and corrections than almost any other state. We are a terribly punitive state, and we cannot afford it," she said.

"We should be spending money on preschool education, Head Start programs, all of education and other ways that are much more productive than to be spending our money on punishing people, overly punishing them."

Waiting

Featherstone said waiting for an answer from the parole board isn't easy.

"It's just not knowing that somebody out there might get a second chance, and my brother never did," she said.

James Cotaling, who was called Jimmy by family and friends, was one of seven children. He loved skiing and cars. His family members say he was always smiling.

Jack Cotaling, a 75-year-old White Lake Township resident, keeps a picture of his son on his bureau. There's also a note there written by the director of the ski school at Pine Knob who said James was a caring ski instructor who brought excitement and happiness to many people.

Jack Cotaling looks at his son's picture every morning.

"Some mornings I say, 'What should I have done different?' I blame myself," he said, his voice breaking.

Jack Cotaling said when his son's killers were sentenced to life in prison, the family felt a sense of closure that's now being threatened by the possibility that Hernandez could one day be released.

"If they set her free," he said, "We've lost our closure."

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