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Another appeal filed in 1998 slaying

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TRAVERSE CITY — A man convicted of the grisly murder of a hotel desk clerk seven years ago filed another appeal, this time in federal court.

Kevin Carter Holtzer, 33, is serving life without parole for the 1998 murder of Kalee Bruce, 18, a Northwestern Michigan College student who was found raped and beaten at the Beach Condominiums in East Bay Township, where Holtzer was a monthly renter.

Investigators connected Holtzer to the murder through mitochondrial DNA typing that matched Bruce to a strand of hair in Holtzer's apartment and Holtzer to a strand of hair found at the crime scene.

For years, attorneys for Holtzer challenged the science of mitochondrial DNA, but in a petition for writ of habeas corpus, attorney F. Martin Tieber changed tactics.

Tieber, described by Michigan Lawyers Weekly as "one of the nation's top criminal appellate experts," said Holtzer's trial council was ineffective and prosecutors exaggerated evidence.

The arguments are included in a 10-page petition and 73-page brief filed in U.S. District Court in Grand Rapids.

"The state courts have found his latest issues to be without merit," said Grand Traverse Prosecutor Alan Schneider, who was a chief assistant prosecutor when he tried Holtzer in the late 1990s. "As I learned from the first trial, his family does have substantial financial resources and is apparently willing to spend them in his defense."

Grand Traverse County Circuit Court Judge Thomas Power, who presided over the Holtzer trial, rejected a motion with the same arguments last year.

Power wrote that he "probably erred" when he barred evidence from Holtzer's trial that Holtzer had been convicted of beating another woman in a Traverse City alley a month before Bruce's slaying.

Prosecutors wanted to argue that Holtzer had a "deviant hatred of woman."

Since recent court decisions would likely allow the evidence, Power wrote, "the defendant would have no 'reasonably likely chance of acquittal'" in a new trial.

