

Honorable John J. McDonald
Retired Sixth Circuit Judge
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August 30, 2013

Honorable Rick Snyder, Governor
111 S. Capitol Ave.
P.O. Box 30013
Lansing, MI 48909

Re: Clemency for Mrs. Nancy Seaman

Dear Governor Snyder:

I was recently contacted by the Michigan Women's Justice and Clemency Project requesting that I correspond with you regarding Mrs. Nancy Seaman's plea for clemency. By way of introduction I was the trial judge who presided over Mrs. Nancy Seaman's trial. In the seventeen years that I served as a circuit court judge I probably sentenced in excess of fifteen individuals who were convicted of 1st degree murder to mandatory life in prison. In none of these cases did I have any second thoughts about the sentence I imposed. Mrs. Seaman's case was the exception. After her conviction I had many reservations about sentencing her to mandatory life in prison.

Please know that I have no criticism of the manner in which the assistant prosecutor tried the case; she was very professional and fair in her presentation of the case to the jury. Nor am I critical of the trial tactics of the defense attorney who represented Mrs. Nancy Seaman. Finally, I cannot take exception to the jury's verdict in light of the evidence presented to them.

My biggest concern was that the jury was precluded from hearing the ultimate conclusion of Dr. Lenore Walker because of existing case law relating to the "Battered Woman Syndrome." Dr. Walker, an expert in the field, could only testify to the general characteristics of a battered woman. Existing law in Michigan prohibited her from testifying as to her conclusion that Mrs. Nancy Seaman was a battered woman. Had the jury been able to hear this testimony they would have had a better understanding of Mrs. Nancy Seaman's actions both before she killed her husband and afterwards. I'm convinced that had the jury considered all of this evidence they would have had a better understanding of what was going on in Mrs. Nancy Seaman's life that led to this tragic and unfortunate incident and probably could have returned a verdict no greater than 2nd degree murder with a very strong possibility of a verdict of not guilty because of self-defense.

As I have already indicated, I sentenced a number of defendants to mandatory life without any hesitation or reservations; however, this is one case that I agonized over. Mrs.

Nancy Seaman was an excellent teacher and a law abiding citizen. She is not a danger to society and doesn't deserve to spend the rest of her life in prison.

I would hope that you would seriously consider granting her application for clemency. If you have any questions, please have your representative contact me and I would be happy to provide you with any further information you need.

Sincerely,

Judge John McDonald, Retired