

Honorable John J. McDonald  
Retired Sixth Circuit Judge  
Farmington Hills, Michigan

August 9, 2017

Honorable Rick Snyder, Governor &  
Ms. Beth Clement, Legal Counsel  
P.O. Box 30013 - 111 S. Capitol Avenue  
Lansing, MI 48909

-and-

Michigan Parole Board  
P.O. Box 30003  
Lansing, MI 48909

Re: Clemency for Ms. Nancy Seaman #520695

Dear Governor Rick Snyder:

On April 6th, the Michigan Women's Justice & Clemency Project submitted a commutation petition to the Michigan Parole & Commutation Board on behalf of Ms. Nancy Seaman who was convicted in 2004 of first degree murder for the death of her abusive husband and sentenced to life imprisonment. I was the trial judge who presided over Ms. Nancy Seaman's trial. In my two previous letters to you of August 30, 2013 and August 18, 2016, I expressed my unequivocal support for a grant of commutation for Ms. Nancy Seaman.

After Ms. Nancy Seaman's conviction, I had many reservations about sentencing her to a mandatory life sentence, but had no discretion to do otherwise. My primary concern was that Michigan's limitations on expert witness testimony precluded her jury from hearing a clinical diagnosis that Ms. Nancy Seaman was a "battered woman" suffering from PTSD as a result of 31 years of abuse and how Battered Woman Syndrome affected her state of mind, behaviors before and after the homicide, and her perception of imminent danger in this self-defense case. Had the jury had the benefit of the testimony of her expert witness, Dr. Lenore Walker, I am convinced they would never have returned a verdict of first degree murder.

I now submit to you two additional issues that I hope will convince you that Ms. Nancy Seaman is worthy of commutation consideration. In my 17 years as a Circuit Judge, I have never reversed or reduced a jury verdict, but Ms. Nancy Seaman's case was the exception.

In August 2005, eight months after her trial, I reduced the degree of conviction to second degree murder on a finding that premeditation and deliberation was not established. Unfortunately, this ruling was reversed upon the prosecutor's appeal.

However, please consider that had Ms. Nancy Seaman been resentenced to second degree murder as I had ordered, she would have received a minimum sentence of 12 years, as a first-time offender with no prior offense variables, in accordance with the applicable sentencing guidelines scoring. A sentence of 12 years is commensurate with the 13 years Ms. Nancy Seaman has already served in prison and she would have already been eligible for parole consideration.

Therefore, a grant of commutation at this time would be reasonable and fulfill my intent when I reduced the degree of her conviction to second degree murder.

Additionally, I hope you will consider that there is precedence for the grant of commutation in non-parolable life sentences for first degree murder.

The judges in the cases of:

Linda Hamilton (Oakland County, Judge Robert Webster)  
Doreen Washington (Wayne County, Judge Gershwin Drain)  
Kay Thomas (Wayne County, Judge Mary Beth Kelly)

These judges all advocated for clemency for these women and Governor Granholm commuted their sentences, despite any objections with the victim's families.

Ms. Nancy's Seaman's case is similar in many respects to the Kay Thomas case, and it is my hope you will find Ms. Nancy Seaman worthy of commutation as did Governor Granholm in the Kay Thomas case.

- Both women had non-parolable life sentences for first-degree murder.
- A federal judge in both cases ruled that these two women had received ineffective assistance of counsel.
- The verdict in the Kay Thomas case was overturned once. Ms. Nancy Seaman's verdict was overturned twice - in 2005 by the state court and again in 2010 by a federal district court.
- In both cases, the prosecutor's appeals reversed these rulings.

- Kay Thomas had judicial support for clemency, as does Ms. Nancy Seaman who has my support as well as the support of Federal District Judge Bernard Friedman.
- Kay Thomas had served 11 years in prison at the time commutation was granted. Ms. Nancy Seaman has now served 13 years in prison.

Ms. Nancy Seaman, now 65-years-old, is an excellent teacher and law-abiding citizen. She is not a danger to society and doesn't deserve to spend the rest of her life in prison. I sincerely hope you will find these reasons compelling and will seriously consider granting Ms. Nancy Seaman's application for commutation.

If you have any questions, please have your representative contact me and I would be happy to provide you with any additional information that you need.

Sincerely,

John J. McDonald  
Retired Sixth Circuit Judge

Inc: Dr. Lenore Walker letter  
Barbara D'Onofrio letter