

Nancy Seaman #520695
Women's Huron Valley Correctional Facility
April 2, 2018

Mrs. Sue Snyder
c/o Jordan Kennedy
Romney Bldg.
111 South Capitol Avenue
Lansing, Michigan 48933

Dear Mrs. Snyder:

My petition for commutation currently awaits the Governor's review and decision. Patricia Hardy and Sandra Schwartz, who are advocating on my behalf for a grant of commutation, recently met with Debi Cain who is the Executive Director of the Michigan Domestic Violence Prevention Board. It was Ms. Cain's suggestion that I write to you. I am hopeful that after you have read this letter, you will be moved to share your insights with the Governor.

In 2004, I was convicted of first degree murder and sentenced to life imprisonment for the death of my husband, Bob Seaman. This domestic violence tragedy occurred on the morning of May 10, 2004 when a verbal altercation with my husband about the condo my father and sons helped me secretly purchase to escape my 31-year abusive marriage suddenly turned violent. I defended myself against my husband's final assault on my life, with unintended and deadly consequences. My peaceful attempt to leave the marriage had tragically failed. I was convicted of first degree murder despite a report from the State nurse examiner that documented "defensive injuries" on my body; despite the pathology report which showed alcohol and amphetamines in my husband's system which likely fueled his rage; despite the testimony of witnesses verifying that I was a battered woman, including the testimony of five of my husband's personal friends; and despite the great weight of the forensic evidence which supported my testimony.

The verdict has been overturned twice on appeal. Eight months after trial, the State court overturned the verdict and ruled that the evidence did not support the verdict and resentencing on a lesser charge was ordered. If I had been resentenced as ordered, I would already be eligible for parole. However, prosecutor Lisa Gorcyca appealed the ruling and it was reversed. Next, the Michigan Court of Appeals reviewed my case. Judge Karen Fort-Hood agreed that resentencing on a lesser charge was appropriate and she opined that the limitations on the testimony of my Battered Woman Syndrome expert witness were problematic. The Court also ruled that prosecutor Lisa Gorcyca had committed misconduct in her closing argument when she put "facts not in evidence" before the jury minutes before jury deliberations which were highly prejudicial on the issue of premeditation knowing that the defense would have no chance for rebuttal. In 2010 the verdict was overturned a second time with the federal court ruling that the lack of evidence to support the verdict combined with the omission of critical BWS evidence due to ineffective assistance of counsel denied me a fair trial. It was ordered that I be retried within 120 days or immediately released. Again the prosecutor appealed and my appellate win was reversed. Heartbroken, my family asked, "How can this be? You won your appeal twice; you should be home." I had no answer why the prosecutor would fight to preserve a verdict the appellate courts had ruled was unjust. I had survived that final assault by my husband only to be battered one final time - by the criminal justice system.

I could have allowed this unjust outcome to embitter me, but instead I immersed myself in legal research, advocacy work, and service to my fellow prisoners. I've worked to bring public awareness to the injustice battered women like me have faced when denied the right to present evidence critical to their defense because of Michigan law which severely limits the trial testimony of Battered Woman Syndrome expert witnesses. In his August 30, 2013 letter to the Governor, trial Judge John McDonald discussed the detrimental effect these limitations had on the verdict in my trial.

I am not minimizing the seriousness of my crime. Regardless of the circumstances, I am responsible for the death of my beloved husband and that's a reality that is never far from my thoughts. However, my actions that morning were borne out of fear, not malice. They were an aberration, a departure from my normal behavior, and are unlikely to ever reoccur. As Dr. Lenore Walker, the foremost authority on BWS and expert witness at my trial, has stated: "Nancy Seaman had a reasonable perception of imminent danger to herself when she killed her husband."

There were no battered women shelters in the entire State of Michigan in 1973 when Bob and I married. It was a far different time than today; domestic violence was a topic not openly discussed. I was barely 21-years-old when the physical, verbal, and emotional abuse began two weeks after our wedding. As a good Italian girl and devout Catholic, I was raised to believe that marriage was a holy sacrament and the commitment was "for better or worse". So, when my mother-in-law and sister-in-law consoled me after that first battering and advised me not to flee the marriage, I stayed. My husband had so many admirable qualities and as long as the good times outweighed the bad, I was able to convince myself that eventually the abuse would stop. Denying the reality of my husband's violence, covering up any evidence of it, and going about life as if nothing ever happened became a way of life for me. To the outside world, we were the "perfect family", but it was all an illusion.

I twice contacted the police, but received no help. The Farmington Police Department refused to send a patrol car to my home unless I agreed to have Bob arrested; they offered no other options. Having my husband arrested for domestic violence was a shame I simply could not inflict upon my children or my career.

It is particularly difficult for battered women who have professional careers to reach out for help. Society is harsh in its judgment of women like me who are competent in their careers, yet incapable of making the one seemingly simple decision to walk away from an abusive relationship and save themselves. So, we live in the shadows with the shame of abuse as our closely guarded secret.

I pray the Governor recognizes that my character is proof that I have the potential to successfully reintegrate into society as a productive member of the community. Prior to this one incident, I lived my entire life as a law-abiding, contributing member of society. I had no criminal history and no incidents of assaultive behavior. In my 31 years of marriage, I was a devoted, faithful wife and raised two wonderful sons despite the abuse I endured at the hands of my husband. As a teacher in the Farmington School District, I made significant contributions to the classroom, was nominated for Teacher of the Year, and received an award from former Governor Granholm for promoting cultural diversity in the classroom. My Masters thesis was on non-violent conflict resolution and it was the cornerstone of my teaching philosophy. I chaired the

School Improvement Team, was an active participant on the District Assessment and Language Arts committees, and I spent many hours after school attending the extra-curricular activities of my students.

During my incarceration, I have worked as a tutor to prepare prisoners for their GED exams and I currently work as a Law Library clerk assisting prisoners with their legal research and court filings. Because of my exemplary work evaluations, I have been entrusted with maintaining the Law Library resource inventory and I've been allowed to create many innovative and user-friendly resources which have improved the overall quality of the Law Library. In my spare time, I volunteer to help prisoners who struggle with reading comprehension and need assistance understanding the complex legal paperwork they receive from the courts. I am classified as "very low assaultive risk", have remained completely misconduct free, and according to former prison psychologist, Nels Thompson, "would pose no threat of violence to the community if released from prison."

From the domestic violence workshops and individual/group therapy sessions with psychologist, Nels Thompson, I have a better understanding of the circumstances that led to my crime and this makes re-offending unlikely. I should have made better choices in my life such as leaving the relationship at the first signs of abuse, confronting the reality of my situation instead of living in denial, removing myself from the home when the violence escalated, and not allowing shame and pride to prevent me from seeking help.

If released from prison, I have a home waiting for me with either my son or brother. There are family and friends to embrace and grandchildren patiently waiting for hugs from the Grandma Nancy they have spoken to on the phone, but never met. But, there is also a debt I must repay to society. I plan to work for legislative change in the law which unfairly restricts BWS expert testimony, advocate for employers to implement better programs for identifying and assisting employees who may be victims of domestic violence, lobby for better training for those police officers who respond to a battered woman's calls for help, and use my teaching skills and experiences as a battered woman to educate men and women about the tragic consequences of abusive relationships.

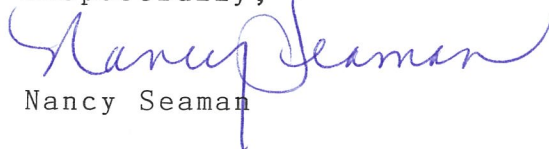
I am now 65-years-old and have been incarcerated for 14 years. The Parole Board recently made a "no interest" determination on my commutation petition without interviewing me, without ordering a psychological exam, and without holding a public hearing. I hope you find that decision unreasonable. This current Parole Board seems only willing to recommend commutation for prisoners who have served decades in prison. However, commutation was never intended to be a reward for decades of incarceration. Rather, it was designed as a Constitutional remedy to rectify injustice when the criminal justice system has run its course and failed, as has happened in my case. It may be granted for any number of years and at any time. In 2009, former Governor Granholm used the commutation statute as it was intended when she rectified the injustice in the Kay Thomas case by commuting her non-parolable life sentence even though she had been incarcerated for only 11 years.

If the Parole Board review of my commutation petition had been based on merit and not just years served, they would have recognized that my case is unique from the cases of all those other prisoners currently petitioning for commutation because: the verdict in my case has been overturned twice; I would already be parole-eligible if the resentencing ordered by the appellate court had been upheld; both state and federal courts have ruled that an injustice occurred which entitles me to relief; and I have the support of many prominent community leaders, too numerous to list in this letter, who have never before advocated on behalf of a prisoner. They include former trial Judge John McDonald; federal Judge Bernard Friedman; former prison psychologist, Nels Thompson; Carol Jacobsen of the Women's Justice & Clemency Project; attorneys Michael Faraone and Lawrence Kaluzny; former mayor of Bloomfield Hills, Patricia Hardy; Dr. Lenore Walker, the foremost authority on Battered Woman Syndrome and expert at my trial; and journalist/advocate Kelle Lynn, creator of the Justice Thru Storytelling website at www.jtsadvocates.com which supports my commutation effort. Their online video interviews and support letters are compelling. Additional support includes 800 compassionate individuals who have written letters, sent emails, or signed the online petition to advocate on my behalf.

When I lie on my prison bunk and reflect on the 65 years of my life, the 31 years in an abusive marriage, and the past 14 years in an even more abusive prison environment, I cry, wondering if I will ever have a chance to live the remainder of my life free from the abuse that has consumed most of my adult life. A grant of commutation from the Governor can make that happen and return me to my family and the community where I can atone for my crime in a more constructive way than life imprisonment until death will allow.

Thank you for your compassion for battered women and their families and for your thoughtful consideration of my plea for commutation.

Respectfully,


Nancy Seaman