
HONORABLE JUDGE JACK MCDONALD (RETIRED)

June 8, 2018

Megyn Kelly
NBC Today
30 Rockefeller Plaza
New York, NY 10112

Re: May 11, 2018 TODAY show on clemency for Nancy Seaman

Dear Megyn Kelly:

As the trial judge in the Nancy Seaman case, I want to thank you for interviewing me on your May 11th show and allowing me the opportunity to express my opinions about the injustice I believe occurred in her case. I understand that the allotted time for the segment about Ms. Seaman's case was limited, but I had hoped that Dr. Lenore Walker, the foremost authority on Battered Woman Syndrome and expert witness at Seaman's trial could have been in attendance and part of the discussion.

As you are aware, Michigan law severely limited Dr. Walker's testimony at Seaman's trial to a generic explanation of Battered Woman Syndrome and nothing more. Dr. Walker was prohibited from connecting the Syndrome to the specific facts of the case and was not permitted to explain how long term battering affected Ms. Seaman's state of mind and behaviors before and after the homicide even though current research documents that juries cannot make sense of the evidence without those connections.

As the juror's comments on your show revealed, the omission of critical expert testimony which could have explained behaviors the jury presumed were indicative of Ms. Seaman's guilt had a detrimental effect on the outcome of the trial. As Dr. Walker expressed in her post-conviction letter to me, "Without this

evidence, it was difficult, if not impossible, for the jury to come to a fair and honest verdict.”

In 2005, a similar law in California which limited expert testimony and denied battered women the constitutional right to present evidence critical to their defense was changed and this paved the way for those women to receive new trials, re-sentencing, or commutations. Until this law in Michigan is changed, Ms. Seaman's only hope of being returned to her family and society is through a grant of commutation from Governor Snyder.

With domestic violence so prevalent in our society and stories exposing the abuse of women being so newsworthy, your show about Nancy Seaman's case was timely and relevant. However, the show left many questions unanswered. I had hoped to ask the juror if she would have had a reasonable doubt had she heard what Dr. Walker had to say. Questions also remain about the disparity in treatment Ms. Seaman received as compared to similar cases in Michigan and other states where battered woman have killed their abusers and received significantly lesser sentences.

I welcome an opportunity to return to your show (along with Kelle Lynn and Nels Thompson of JTS) should you decide to do a follow-up segment about Nancy Seaman's case and include Dr. Lenore Walker.

Thank you again for bringing public awareness to the injustice in Ms. Seaman's case. For more information on Nancy Seaman's case be sure to look at the Justice Thru Storytelling website at jtsadvocates.com for videos, letters to Governor Snyder, and Dr. Lenore Walker's letter.

Sincerely,
Judge Jack McDonald

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