

June 26, 2018

Governor Rick Snyder
111 S. Capitol Avenue 4th Floor
Lansing, MI 48909

370 E. Maple Road
Third Floor
Birmingham, MI 48009

Re: Commutation for Nancy Seaman #520695

Dear Governor Snyder:

By way of introduction, I am the Sixth Circuit judge who presided over the 1988 trial of Karen Kantzler who was convicted of second degree murder for the homicide of her abusive husband. Since 1993, I have advocated for Ms. Kantzler's release from prison and in December 2017, she was finally returned to society.

In the Kantzler case, I argued that the sentence she received was disproportionate to the circumstances of the offense. I now hold that same belief in the case of Nancy Seaman who was convicted in 2004 of first degree murder in the homicide of her abusive husband and sentenced to life imprisonment. Ms. Seaman's petition for commutation currently awaits your decision and I'm writing to respectfully request that you grant her commutation to rectify the injustice that occurred in her case.

Judges are generally loath to disturb a jury verdict, so it is truly significant that both Circuit Court Judge John McDonald and Federal District Court Judge Bernard Friedman overturned the verdict in Nancy Seaman's case (2005/2010). The courts determined that lack of evidence to support a finding of premeditation and deliberation combined with ineffective assistance of counsel and the omission of critical Battered Woman Syndrome evidence denied Ms. Seaman a fair trial entitling her to relief from the first degree murder conviction. The prosecutor's appeals reversed these rulings, denying Ms. Seaman any relief. If Ms. Seaman had been re-sentenced as Judge McDonald ordered, she would have already been returned to society which would make commutation at this time justified.

Of particular concern for me was the fact that Michigan law, pursuant to a 1995 judicial opinion in *People v Christel*, unreasonably restricted the testimony of Ms. Seaman's expert witness, Dr. Lenore Walker, the foremost authority on Battered Woman Syndrome and this adversely affected Ms. Seaman's ability to establish her self-defense and defend against the prosecution's claim that she acted with premeditation.

Michigan law restricted Dr. Walker's testimony to generalities about Battered Woman Syndrome and nothing more. Seaman's behaviors before and after the homicide, her use of excessive force, her conduct in concealing the body in the aftermath of the homicide, and her conduct of "going about life as if nothing happened" were only

explainable through an understanding of BWS released specifically to the facts in Seaman's case and her state of mind.

The jury's understanding of Ms. Seaman's actual perception of imminent danger on the morning of her husband's final assault on her life depended on Dr. Walker's ability, as an expert, to explain how that perception would reasonably follow from Ms. Seaman's personal experiences as a battered woman whereas a person who was not battered may not perceive the same threat of harm. It was central to Ms. Seaman's claim of self-defense.

However, Michigan law prohibited Dr. Walker from presenting any of this evidence and as a result, the jury's ability to render a fair and just verdict was compromised. I concur with Judge McDonald's assessment that the jury would not have returned a verdict of first degree murder if they had heard the omitted evidence and I agree that overturning the verdict was appropriate.

Society's best interests are not served by keeping Ms. Seaman incarcerated until death. She is now 66-years-old and has been an exemplary prisoner for the past 14 years of incarceration. Before the homicide, Ms. Seaman was a law-abiding citizen, productive member of society, and well-respected teacher in the community. She poses no threat of violence to the community and has the potential to successfully reintegrate into society and make many meaningful contributions.

As the Court stated in *Berger v U.S.*, "In a criminal case, it is not that a State shall win a case, but that justice be done." In my professional opinion as a Circuit Court Judge for four years, justice has not been done in Nancy Seaman's case. It is my hope you will grant commutation to Nancy Seaman and rectify the injustice that resulted when Michigan law impeded her right to present evidence critical to her defense. In doing so, you will be honoring the decisions of both the state and federal judges who overturned the verdict in her case.

Respectfully,



Norman L. Lippitt

NLL/jad