

URGENT ACTION

MISSOURI'S THIRD EXECUTION OF YEAR IMMINENT

Michael Tisius is scheduled to be executed in Missouri, USA, on 6 June 2023. He was sentenced to death for two murders committed on 22 June 2000. Now 42 years old, he was 19 at the time of the crime, emerging from a childhood of abuse and neglect. He has been diagnosed with neurological deficits and brain dysfunction, post-traumatic stress disorder and dependent personality disorder. Experts have concluded that an older man exploited Michael Tisius's immaturity and psychological damage to involve him in the crime. The governor of Missouri should halt the execution and commute his death sentence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Office of Governor Michael L. Parson
P.O. Box 720, Jefferson City
MO 65102, USA

Email via: <https://governor.mo.gov/contact-us/mo-governor>

Dear Governor Parson

Michael Tisius is due to be executed on 6 June. The crime of which he was convicted – the murder of two guards in Randolph County Jail on 22 June 2000 – was undoubtedly serious. I do not seek to downplay the suffering caused, but I do wish to appeal to you to stop this execution.

As a 19-year-old held in jail on a misdemeanour charge, Michael Tisius shared a cell with an older man, who initiated a plan to have the teenager, after his release, facilitate the man's escape. The plan did not involve shooting anyone, but the man's girlfriend stole a gun and gave it to Michael Tisius to intimidate the guards. It was during a botched enactment of this plan that the two guards were shot and killed.

Experts have concluded that the effects of Michael Tisius's traumatic childhood and adolescence left him especially open to being "groomed" for the crime.

Four decades ago, in a capital case, the US Supreme Court stated that "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and psychological damage". In 2005, banning the death penalty for people under 18 at the time of the crime, in recognition of their immaturity and vulnerability to negative influences, the Court noted that such qualities "do not disappear when an individual turns 18". Although Michael Tisius's resentencing lawyers presented some evidence about the neglect and abuse that marked his childhood, subsequent assessments conducted at the request of the appeal lawyers by a childhood trauma expert, a neuropsychiatrist, and a neuropsychologist, as well as a prison expert, provide a far more cohesive and compelling picture of his psychological and emotional state, and how this impacted his judgment and decision-making.

In contrast to the prosecution's assertion to the jury that the defendant's future dangerousness made a death sentence "necessary", a psychiatrist who has evaluated Michael Tisius over the last two decades has said that his evaluations "demonstrate the opposite of any antisocial conduct", and that he "has made a successful transition to nonviolent living" in prison. A prison expert with decades of experience in prison management has concluded after his comprehensive review of Michael Tisius's jail and prison records that he has displayed no violent conduct while in confinement and can be managed safely in prison.

I urge you to grant Michael Tisius clemency and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

In May and June 2000, 19-year-old Michael Tisius served a 30-day sentence at Randolph County Jail, Missouri on a misdemeanour stealing charge. He shared a cell with a 27-year-old man ("RV") transferred to the jail after attempting to escape from another. RV initiated an escape plan whereby the teenager, after his release, with the assistance of RV's girlfriend ("TB"), would return to the jail with a gun, force the guards to the cells, whereupon RV would "take over". Released on 13 June 2000, and homeless in St Louis, Missouri, Michael Tisius contacted TB who said she wanted to proceed with the plan. TB gave him a gun she had stolen from her parents, and on 22 June, the two arrived at the jail. After they were let in, Michael Tisius apparently panicked and shot two guards. He was unable to unlock RV's cell and he and TB fled. They were arrested later that day. Asked why he fired the gun, Michael Tisius replied, "I don't know why. I don't know why I did it." In 2001, he was convicted of first-degree murder and sentenced to death. On appeal, the death sentence was overturned. At his resentencing in 2010, the jury again voted for death.

TB testified against Michael Tisius at his 2001 trial in return for pleading guilty to second-degree murder and two life sentences (RV was tried in 2002 as an accomplice, convicted of first-degree murder and sentenced to life without parole). The resentencing defence lawyers never spoke to TB, and she did not testify at the 2010 proceeding. In 2018, she signed a declaration "to share what I observed in terms of how [RV] affected Michael - how totally brainwashed he was." She said: "It was clear from the moment I met Michael that [RV] had gotten into that kid's head. Michael was only 19 years old when the crime happened. Mike was childlike. Even for his age he wasn't mature. [RV] manipulated Michael". She said that on the night of the crime, he "was almost in a trance-like state".

In 2018, a childhood trauma expert noted Michael Tisius's "very traumatic childhood and adolescence", and that such experience has "profound effects on brain development and neural circuitry, which disrupts and dysregulates the delicate balance among physiological, emotional and cognitive functioning." The neglect and abuse, for which he never received "effective therapeutic intervention", left him "vulnerable to the manipulation of [RV]." Also in 2018, a neuropsychiatrist diagnosed Michael Tisius with post-traumatic stress disorder, frontotemporal striatal dysfunction and dependent personality disorder. He added that both at trial and resentencing, "the social history substantiating his trauma was poorly addressed, and the impact of that trauma was underestimated and incompletely presented". He continued: "Mr Tisius exhibits extreme vulnerability and suggestibility... Mr Tisius' cognitive impairments, difficulty with understanding complex language, poor executive functioning, 'getting stuck' mentally, and executive function deficits lead to a vulnerability to rely upon others... Mr Tisius has an increased vulnerability to being groomed... Grooming is the linchpin behavior in the offenses for which he is currently sentenced to death."

A neuropsychologist concluded in 2018 that Michael Tisius "demonstrated a constellation of [brain] deficits that "are long-standing and date from childhood". He pointed out that "It is well established that the brain continues to develop into the mid-20s... the brain of a 19-year-old, particularly one that is already impaired, will not process information as accurately or efficiently as someone of greater maturity. Thus, at the time of the crime, the impairments I described above likely would have had an even greater effect on Mr Tisius' functioning and behavior". In a 2023 court filing, a developmental psychologist has said that research over the past decade shows that in circumstances of heightened emotion, such as anxiety or fear, the brain of an 18- to 21-year-old functions like that of a 16- or 17-year-old. A psychiatrist has assessed Michael Tisius over the past two decades for his lawyers. In 2003 he concluded that at the time of the crime, Michael Tisius had been "suffering from untreated mental disease, was experiencing diminished mental capacity, and was substantially under the manipulated influence of RV". The defence did not present this to the 2010 resentencing jury. In 2013, the psychiatrist found that Michael Tisius "still demonstrated immature thinking" and that his "maturity of reasoning plateaued in mid-adolescence". In 2022, he reported that having experienced "delayed maturation of adolescent brain functioning as a consequence of untreated childhood physical abuse/neglect", Michael Tisius had now made "a successful transition to nonviolent living" in prison. In 2018, a prison expert reviewed Michael Tisius's prison record and found that he had "not demonstrated violence while in confinement". At the 2010 resentencing, the prosecution had stressed his future dangerousness, relying on post-conviction evidence, namely his 2009 conviction for possession of a "boot shank" – a piece of metal from a boot found in his prison-issued radio in 2006 (it had not been sharpened as the 2009 prosecutor asserted). The 2010 prosecutor argued that this showed Tisius would kill again, describing him as "a wolf" and urging the jury to vote for death to protect "the entire law enforcement community". Despite knowing the state would present the shank evidence, and that their client had always denied putting the metal in the radio and had identified another prisoner as having been responsible, his lawyers neither investigated nor presented evidence to counter this aggravating factor. In 2018, a life prisoner signed a statement that he had put the shank in the radio at the request of the man whom Michael Tisius had identified as being responsible for the shank. He recalled Michael Tisius as "a scared, intimidated little kid" who would have been too fearful to remove the shank, confront who put it there, or report it.

Amnesty International opposes the death penalty unconditionally. Missouri accounts for 95 of the 1,568 executions in the USA since 1976, including two of 10 executions this year.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 28 June 2023

NAME AND PRONOUN: Michael Tisius (He/Him)

ADDITIONAL TARGET

Ms Jane D Hartley

U.S. Embassy

33 Nine Elms Lane, London SW11 7US

Salutation: Your Excellency,