

URGENT ACTION

MISSOURI CONDUCTS ITS THIRD EXECUTION OF 2023 Michael Tisius was executed in Missouri on 6 June 2023 after clemency was denied.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

In 2001, Michael Tisius was convicted of the murder of two jail guards on 22 June 2000. On appeal, the death sentence was overturned. At his resentencing in 2010, the jury again voted for death. Michael Tisius was 19 at the time of the crime, emerging from a childhood of abuse and neglect. He was diagnosed with neurological deficits and brain dysfunction, post-traumatic stress disorder and dependent personality disorder. Experts concluded that an older man in the jail exploited his immaturity and psychological damage to “groom” him for the crime.

In late April 2023, Michael Tisius’s lawyers sought a stay of execution after discovering that a man who had served on the jury at the 2010 resentencing could not read or write, which should have automatically disqualified him from sitting on a jury under Missouri law. The individual revealed that after being summoned for jury service, he had told a courthouse employee that he could not read. The employee took him to a room, read the juror questionnaire to him and filled in his answers. During jury selection, the judge asked the prospective jurors whether any of them were unable to “read, speak and understand English”. None replied. The matter remained concealed until this year. The Missouri Supreme Court refused to grant a stay of execution. On 31 May, a federal judge ordered a stay so that he could conduct an evidentiary hearing on the matter. The state appealed, and on 2 June, the US Court of Appeals for the Eighth Circuit vacated the stay citing federal law imposing severe restrictions on the filing of second or successive habeas corpus petitions. On 6 June, the US Supreme Court declined to intervene.

Four other jurors who sat on the resentencing jury, and two alternate jurors signed statements that, having learned more about the case including mitigation factors, than was presented in 2010, they now either supported, or were not opposed to, the Governor commuting the death sentence. Also a former prison Warden, in an unprecedented step for him, wrote to the Governor in support of clemency. He said that he considered Michael Tisius to be a “model inmate”, “one of the best behaved” he had known during his 26 years as Warden. He said that Michael Tisius “accepted full responsibility for what he had done. He expressed regret and remorse”.

On 5 June 2023, Governor Mike Parson issued a statement denying clemency. He said that having himself run a county jail (he was Sheriff of Polk County from 1993 to 2005), he had first-hand knowledge of “the hard work and selflessness” of those who work in jails. He asserted that the Tisius case “received fair and careful review at each step in the judicial process”, and that the execution would proceed to “ensure” that family members of the two victims “finally receive justice for the loved ones they lost”.

In his final statement before being executed, Michael Tisius said “I wish I could have made things right while I was still here. I really did try to become a better man. I really tried hard to give as much as I could to as many as I could... I am sorry. And not because I am at the end. But because I truly am sorry”.

This was the third execution in Missouri in 2023 and the 96th there since the US Supreme Court upheld new capital statutes in 1976. Only Texas (583), Oklahoma (120), Virginia (113) and Florida (102) have conducted more executions since 1976. Virginia has now abolished the death penalty, as have 10 other states in the past decade and a half. There have been 12 executions in the USA this year in Texas (5) Missouri (3), Florida (3) and Oklahoma (1). These four states account for 57 per cent of the 1,570 executions in the USA since 1976

NAME: Michael Tisius

THIS IS THE SECOND AND FINAL OUTPUT FOR UA 46/23

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/6723/2023/en/>