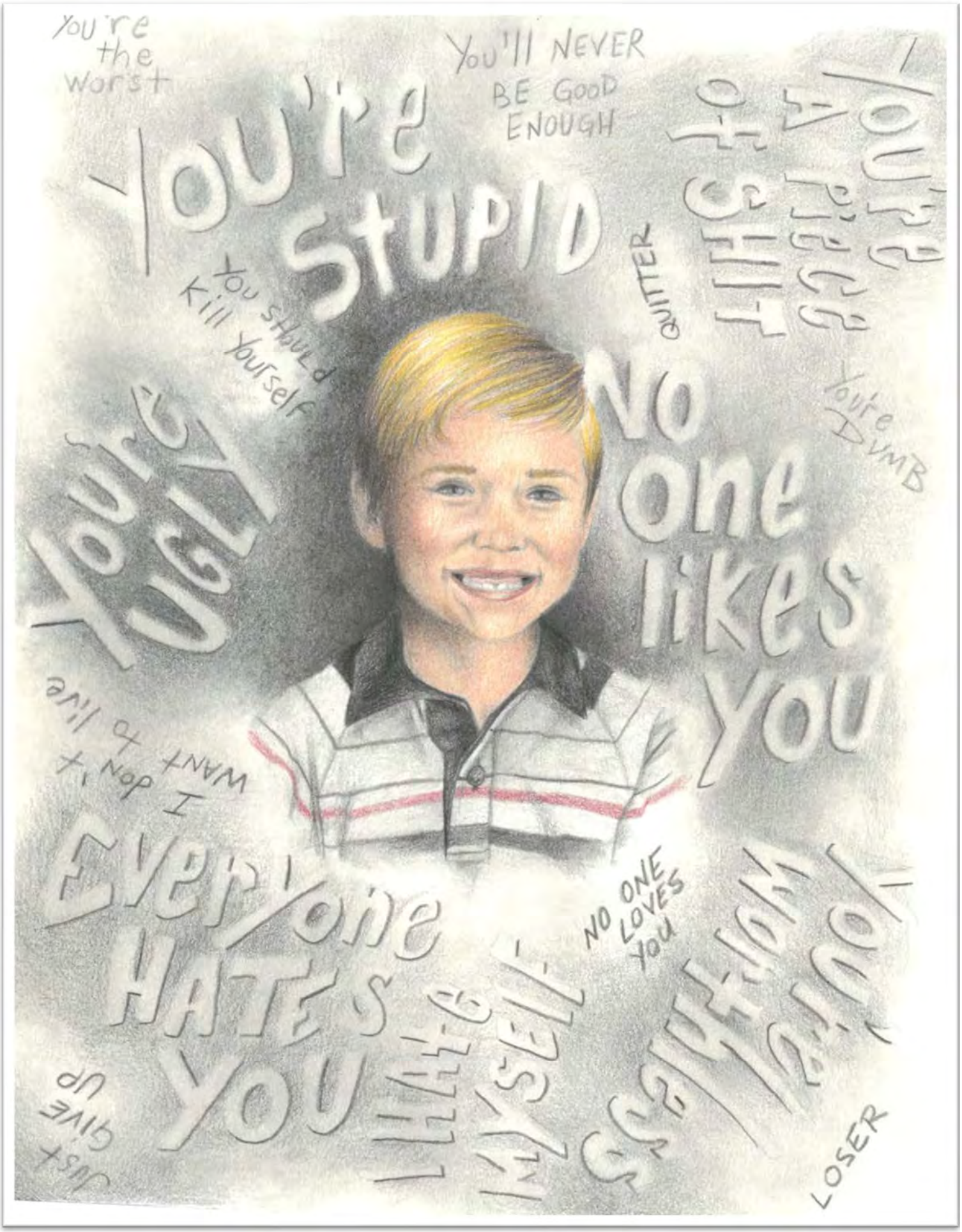

Michael A. Tisius's Clemency Application to Missouri Governor Michael L. Parson
Execution June 6, 2023 at 6:00 p.m. Central

Clemency Application to Governor Michael Parson

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All artwork in this application is Michael's. The front cover is a self-portrait based off the photograph inside the cover.

"Life beats down and crushes the soul and art reminds you that you have one."

-Stella Adler

A Plea for Clemency: Michael's Request for Grace

Governor Parson –

Michael had turned 19 only 4 months before he killed Mr. Acton and Mr. Egley. Now, 42, not a day has not gone by that he has not regretted his actions. His dedication to personal growth reflects in his artwork and his faith in God. He strives to be redeemed in the best manner he can, and in so doing, demonstrates the difference age makes in development.

The self-portrait on the cover encapsulates the extreme difficulties Michael faced as a child. He genuinely heard and felt: "No one loves you" "You're worthless" "I don't want to live" 'Everyone hates you" "Just Give up." Michael's life-long neglect and extensive childhood trauma at the hands of his mother, father and half-brother, have penetrated deeper than the flesh and bone, it penetrated down to his soul. From birth, his mom told him, "Your father always wanted a daughter." A mother's everlasting and unconditional love is the bond from her to child, and it is the bedrock of society. Michael grew up without that bond.

Immediately following the crime, Michael expressed genuine remorse and continues to express remorse today. He has done his best to do his time with honor and dignity. He developed his art skills. He donated artwork for auction to support a local charity supporting battered women. His religious artwork is incredible. All of the pieces you see in this application are his.

Included with these materials is a letter from the former Warden of Potosi Correctional Center. You will also hear from co-defendant Traci Bulington; inmates housed with co-defendant Roy Vance and Michael in Randolph County; and a longtime former cellmate of Michael's. Numerous experts, including some who recently evaluated Michael, who have all confirmed the same thing: Michael has suffered from life-long brain damage. Recent testing reveals his development was poisoned by chronic exposure to lead, which caused cognitive issues throughout his life. You will also hear from several jurors to get their opinion on all of this information that we humbly present to you.

Roy Vance speaks as well. The man who targeted this immature, small-in-stature, 19-year-old with a brain damaged by lead and abuse will admit the crime was his fault. Vance, 8 years older than Michael, saw Michael as a mark, and now comes forward to clear his conscience to finally admit he groomed and took advantage of Michael.

Michael has support in Missouri and throughout the world. We know your office has received many letters from individual citizens near and far. The Inter-American Commission on Human Rights requested a stay of execution. Pope Francis, through the Apostolic Nuncio has requested clemency.

In close, we express sincere respect and appreciation for your consideration of this request and humbly beg for mercy for our client and our friend Michael.

Sincerely,

Michael Tisius & his entire legal team

19023 / 23

8 May 2023

The Honorable Michael L. Parson
Governor of Missouri
P.O. Box 720
Jefferson City, MO 65102

Dear Governor Parson:

As the personal representative of His Holiness, Pope Francis, in the United States, I appeal to you on behalf of the Holy Father to spare the life of Mr. Michael Andrew Tisius, who is scheduled to be executed by the State of Missouri on June 6, 2023.

At the outset I acknowledge the utmost sympathy for the two victims of Mr. Tisius' heinous crime, Mr. Leon Egley and Mr. Jason Acton. I have in mind also their families and friends who have suffered from their untimely deaths. Certainly, the gravity of Mr. Tisius' crime must be acknowledged, as must the demand of justice that he be punished.

Nevertheless, Governor, the Holy Father appeals to you for clemency on behalf of Mr. Tisius solely on the basis of his, and our own shared humanity. Our faith teaches us that every human life is made in the image and likeness of God. Our challenge is to honor this sacred gift of life from the Creator, even if Mr. Tisius has not done so.

Accordingly, on behalf of the Holy Father, I prayerfully ask you to consider that Mr. Tisius is now entirely removed from any participation in civil society, that he has already felt the heavy hand of the State for his serious crimes, and that he would continue to do so even if clemency in the form of a life sentence to confinement were granted to him.

Governor, please be assured that you and the People of Missouri are in the thoughts and prayers of the Holy Father, and of mine as well.

Respectfully,

+ Christophe Pierre

Archbishop Christophe Pierre
Apostolic Nuncio

The Neglectful Mother & The Dead Beat Dad

Most of Michael's life was spent as a pawn between Patty and Chuck. To understand Michael, it is helpful to know who raised him.

Michael Andrew Tisius, born February 16, 1981, is the product of the brief marriage of Charles "Chuck" Tisius and Patricia "Patty" Lambert.

(L to R) Chuck, Michael, Patty Joey in 1981

Pattty Lambert, born Patricia Ann Mertens in July 22, 1960, in St. Louis, Missouri, was known as Patty. When her parents married, Andrew Mertens was much older than his young bride Dottie Quinn — 35 to 20. Dottie was not interested in being Patty's mom. She spent most of her time drinking at bars and returning home in the early morning hours. Before Patty completed elementary school, her mom and Michael's grandma Dottie moved out completely. Dottie eventually moved in with a chronically unemployed severe alcoholic man named Robert Sparks, whom she'd later marry. After Dottie moved out, she almost never saw Patty.

Patty remained living at home with her dad Andrew. He ran a landscaping business and worked 12–16-hour days. He rarely took days off.

Andrew never wanted children but fell in love with Patty as soon as she was born. Patty always hung on him. Although Andrew was not home much, he sometimes let Patty ride along to his jobs. Her dad Andrew, not her mom Dottie, was Patty's primary caregiver. Andrew's unrelenting work schedule and Dottie's absence meant Patty was alone a great deal. Her maternal aunt Gloria Gray (Dottie's sister) sometimes spent time with her. When the two were out together, Patty liked to tell strangers that Aunt Gloria was her real mom and had given her to Dottie as a baby.

Tragically, Andrew died of a heart attack when Patty was only 13 years old. She was getting ready for school one morning when she found him dead on the toilet seat. Andrew left the house to Patty. Following his death, there was a custody dispute between Andrew's bookkeeper and Dottie, each vying for custody of Patty so that one of them could claim Andrew's house. Dottie ended up moving back in, but still spent the majority of her time out at the bars. She liked to sit for hours drinking tequila and brought little Patty along with her. Patty charmed the drunks at the bar and seemed to have a knack for convincing them to give her money. Robert Sparks sometimes gave her as much as $20 at a time.

Life took a bad turn for Patty after her lodestar and father Andrew died. She did not finish high school. She was sexually promiscuous and became pregnant at 17 with her first son, Joseph (Joey) Mertens. Due to Patty's known promiscuity, Joey's father Charles "Chucky" Mace, denied he was Joey's father for several years.

Joey was born prematurely and had serious health problems, including an under-developed esophageal muscle. Joey was so tiny that if you cupped your hands together, he could fit inside. When he was just a few days old, Joey turned blue while in Patty's care. He was taken to his pediatrician's office where he stopped breathing. The pediatrician administered CPR and Joey was transported to Children's Hospital in an ambulance. While en route, Joey had heart complications and he had to be revived. He was placed in a neonatal intensive care unit (NICU) where he remained, on an incubator hooked up to monitors, for several months.

During this time, Patty rarely visited Joey. When she did, she stayed only briefly. Dottie usually went to the hospital to sit with Joey after finishing her shift at the local bar. She was critical of Patty's absence from Joey's bedside — despite her own abandonment of Patty — and the two fought bitterly about it. Patty would insist it was pointless to visit her sick baby, often asking, "What can I do? I'd just be sitting there." Joey had a difficult recovery in the hospital. His veins were so small that he had to have his ankle cut to administer an IV. The baby could be heard screaming in pain from down the hall. Doctors insisted Joey reach a minimum weight of five pounds before he could be released. He struggled to gain that much. When he finally did, Patty took him home.

Patty, Dottie, and Joey lived together in the house she had inherited from her father. During and after Joey's stay in the NICU, Patty hosted parties in the house at which she and her guests drank alcohol. Dottie and her sister Gloria Gray — the same maternal aunt who cared for Patty in her youth — came to suspect Patty was up to no good and planned to catch her in the act. At a time when Patty expected them to be away, they showed up unannounced, parked down the street, and watched Patty's house from behind some bushes. They saw a crowd of people who were drinking and partying. Patty was driving off in a hurry and returning with carloads of people, repeatedly.

"Her nickname was "the bag lady" because her face was covered with a bag to disguise her age from the men who paid to have sex with her."

Gloria and Dottie entered through the front door, which was left wide open, and found Joey screaming and crying in his crib. He was alone and he appeared to have been left unattended for some time. His face was beet red, and he was gasping for air from crying so hard for such a long time. Gravely concerned about Joey's welfare, Gloria and Dottie took Joey to live with them in Cahokia, Illinois.

Patty did not resist the removal of Joey; she seemed to welcome it. She did, though, insist on continuing to collect welfare payments for the boy. Gloria agreed to those terms and drafted an agreement on her typewriter saying Patty would relinquish custody of Joey temporarily but could still collect benefits for him. Gloria kept Joey until he was 16 months old. During that time, Patty never visited Joey or called to inquire about his welfare.

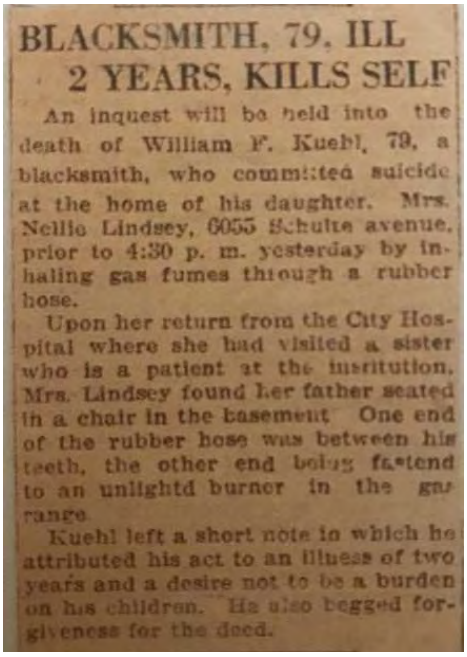
Chuck Tisius met Patty when he worked at Kentucky Fried Chicken where Dottie was the swing manager. Patty married Chuck on December 28, 1979. Chuck was 17 years old on their wedding day. Patty was 19. While this was the first marriage for both, Chuck would be married four times and Patty three times.

At their wedding reception, baby Joey was finally returned to Patty's custody. Chuck's father Don, a local police officer, warned his son not to marry Patty because she was known child prostitute to the Brentwood Police Department. Her nickname was "the bag lady" because her face was covered with a bag to disguise her age from the men who paid to have sex with her.

Chuck's parents Don and Carol were both 15 years old when they were married on August 28, 1958. Carol's mother and Don's mother gave their consent as required by law. Almost exactly five months later their first child was born. They had five children in under seven years. Chuck — Michael's dad — was their fourth child. When their youngest was still an infant, the couple relinquished all their children to the custody of relatives.

Carol suffered significant and longstanding mental health issues. She was institutionalized on numerous occasions at a psychiatric facility in St. Louis. At different times throughout her life, starting before age 14, she received electroshock therapy. Her behavior toward her children was volatile, paranoid, and hostile.

Her children feared her frequent and unpredictable mood swings. A perfectly friendly conversation with Carol could turn on a dime. She would scream and be full of hostility without provocation. Once, in a rage, Carol flung a statue through a plate glass window. She accused her children of being liars starting when they were very small. Later in life, Carol's grandchildren also feared her. Once, when Carol's young granddaughter had a loose tooth, Carol decided she would extract it herself. Ignoring the protests of the child and the child's mother, Carol grabbed a pair of metal pliers in one hand, forcing the child's head still with her other arm, and yanked out the tooth. Carol often threatened to beat her grandchildren and was not trusted to be alone with them.



BLACKSMITH, 79, ILL 2 YEARS, KILLS SELF

An inquest will be held into the death of William F. Kuehl, 79, a blacksmith, who committed suicide at the home of his daughter, Mrs. Nellie Lindsey, 6055 Schulte avenue, prior to 4:30 p. m. yesterday by inhaling gas fumes through a rubber hose.

Upon her return from the City Hospital where she had visited a sister who is a patient at the institution, Mrs. Lindsey found her father seated in a chair in the basement. One end of the rubber hose was between his teeth, the other end being fastend to an unlightd burner in the gas range.

Kuehl left a short note in which he attributed his act to an illness of two years and a desire not to be a burden on his children. He also begged forgiveness for the deed.

Suicides run in the Tisius family

SON OF CAPT. TISIUS SUICIDES

SECOND SON ENDS LIFE

Seeks and Finds Death on Porch at Mother's Home In St. Louis.—Funeral Tomorrow Afternoon.

Ex-Police Captain Henry Tisius who has been in Alton several weeks, left for St. Louis early this morning in response to a message informing him that his oldest son, Charles, had committed suicide Frid[illegible] night at 8:30 o'clock at 4467 Gre[illegible] Louis, by taking carbol[illegible] Della Tisius, a sister[illegible] operator for the Kinlo[illegible] Company here left for [illegible] message stated that Ch[illegible] spondent and that he [illegible] home and went to that [illegible] After talking to his mot[illegible] he went out on the fro[illegible] sat down and shortly [illegible] about 8:30 p. m. swall[illegible] quantity of carbolic acid[illegible]

Medical attention pro[illegible] ing and he pased away. [illegible] nothing while in the house that would cause any suspicion of his design on his own life, but it is said he told a companion earlier in the evening that "This is the last time you will ever see me." He was married and leaves a wife and three children.

Charles Tisius was the second one of the sons of Mr. and Mrs. Tisius to commit suicide within a year and the parents will have the sincere sympathy of all who know them in the many afflictions fate is visiting them.

MAN LEAPS IN RIVER, IS TAKEN OUT, THEN DIES

Crazed by the heat, Otto Kuehl climbed upon the deck rail of the ferryboat Madison, poised there a moment with his arms outstretched above his head, and then plunged head downward into the Mississippi. He was taken out alive, but died upon his way to a hospital.

The boat, bound from Madison, was nearing the levee at North Market street yesterday afternoon, and was about 200 feet from the shore, when the engineer, Albert Gardner, saw Kuehl climb upon the rail. Gardner had been watching Kuehl, who was an old man. He saw that Kuehl was worried. He walked up and down the

Chuck's childhood is not as well known as Patty's. Similar to his parenting style of Michael, he has declined repeated attempts to speak with Michael's legal team over our six years representing Michael. There is extensive research uncovered about the Tisius family, however, including an systemic history of abandoning their own children, struggles with drugs and alcohol and severe mental health issues often ending in suicide.

MAN FOUND SHOT TO DEATH

Charles Barnett, a laborer, was found shot to death today in his basement apartment at 2022 Kraft street. A 16-guag'e shotgun was beside the body.

Joseph Simeone, a tenant on the first floor of the building, told police he heard a shot and went to investigate. He said he found the body of Barnett, 53 years old, on the floor. Mrs. Pearl Barnett told police her husband had been despondent. An inquest will be held.

WALTER TISIUS A SUICIDE

DRINKS CARBOLIC ACID WHILE DESPONDENT.

Death Follows Within Ten Minutes After Fatal Dose is Taken, and Doctors Arrived Too Late.

Wa'ter Tisius, aged 24, son of Mr. and Mrs. Henry Tisius, drank carbolic acid Monday evening about 10:30 o'clock and died within 10 minutes before a doctor could be h:d. He drank the acid on Fifth street near the Dan Miller Buggy Co. plant and was found lying on the sidewalk, suffering intensely. Members of his family say that he had been despondent for a short time. [illegible] he went home to [illegible]ned in his usual con- [illegible] but after supper he [illegible]ery despondent. He [illegible]ll himself, but little [illegible]id to his threat. His [illegible]n to go to bed and [illegible]etter in the morning. [illegible] m. he started to [illegible]and passed his sister [illegible] on the front step [illegible]r good-bye. Ten [illegible]he telephone mes- [illegible]ved at the Tisius [illegible] street that the boy [illegible] carbolic acid poison- [illegible]und, he was dying. [illegible]ho was sent for ar- [illegible] Efforts were made to administer antidotes to him, but he had taken so much of the acid and had lain so long before being found nothing could be done for him. The young man had been employed at the Koeline blacksmith shop on Belle street.

Members of his family say that some time ago he fell in getting off an interurban car and his head was badly injured. They say he was never mentally right since then, and had been subject to brief periods of mental derangement. He leaves

The Worst of the Worst?

Letters, excepts, quotes regarding post-crime Michael

Michael's legal team has argued he should not be executed for two important reasons: (1) he was 4 months past his 19th birthday when the crime was committed and (2) he has adjusted to prison life well. Legally, these are *Roper*-extension and *Skipper* arguments, but the concept is pretty simple: Michael was very young when he committed his crime, and since that time, he has adjusted to prison life. He is non-violent, he commits himself to artwork and playing basketball. He loves watching Christmas movie marathons on the Hallmark Channel. The Supreme Court has always stated the death penalty must be reserved for those "whose extreme culpability makes them the most deserving of execution."

These people disagree

"Mike and I share similar Christian values and we often talked about religion and our faith in God. We have prayed together, and I continue to pray for him every single day."

-Tommy Boyd

"He has a way with guys who need a little extra help, especially people who have problems adjusting to prison life or those known to have mental health issues. Mike has a lot of patience with these guys."

-Tommy Boyd

"Mr. Tisius' confinement history does not reflect a pattern of a prison predator nor is there evidence of his continual, methodical use of violence and power to successfully gain control over inmates, staff or the operation of the confinement facility. There is the absence of random and systemic behaviors regarding escape or attempted escapes, violence against staff, sexual predator behaviors, or [the organization of] collective continual violence."

-James Aiken

"Mike has been a very important and positive influence in my life. He has always supported me and helped me with some of my inner demons. He talked with me about how to make better choices before I get mad or act out. Mike encouraged me to take college courses to better my life. I took his advice, and I am still currently enrolled in Ashland University."

-Tommy Boyd

"He is a friend to many of us, he is an amazing artist, and tremendous basketball player. When we were on lockdown during COVID, we only had about one hour out of our cells each day. When we were let out, Michael always got in the phone line. While he was waiting for his turn with the phone, he gave art lessons to the guys who wanted to learn how to draw better. He never asked for anything in return. I asked him why he would use the little time he had outside of the cell teaching other people how to draw. Mike said he made a commitment to them and wanted to keep his word."

-Tommy Boyd

Fmr. Warden Steele says Tisius Remorseful; Model Inmate

April 17, 2023

Governor Parson

I am writing to you on behalf of inmate Michael Tisius. It was recently brought to my attention that he had received an execution date. I was contacted by his attorney and asked if I had any comments regarding him.

I am a retired Warden from the Missouri Department of Correction. During my tenure I was the Warden at the Potosi Correctional Center (PCC) for several years where Michael Tisius was incarcerated. Later I was the Warden at the Eastern Reception Diagnostic Correctional Center where I conducted several executions on the behalf of the Missouri Department of Corrections. I retired while employed as the Warden at this facility.

When I was the Warden at the PCC, I was responsible for the housing of the offenders with a sentence of capital punishment. I was very familiar with all of these offenders and had interactions with them. Specifically, I had a great deal of contact with offender Michael Tisius. I would like to state that Michael Tisius was a model inmate during my tenure at PCC. I am not aware of there being any disciplinary or other problematic behavior with offender Tisius. I worked for over 26 years within the Missouri Department of Corrections and I would consider him one of the best behaved in which I had contact with. He worked in the Metals Factory and was involved with several projects not only for his employment there but on behalf of the Department of Corrections.

As a habit, I did not engage offenders about their cases. I have always felt that it was between them and the legal system that they came from. However, I do recall a conversation with offender Tisius about the horrible tragedy in his case. Offender Tisius was involved in the killing of two correction officers. In our discussion, he did not offer any excuses and accepted full responsibility for what he had done. He expressed regret and remorse. And I would say this was very unusual.

Governor, I had never written in this manner before as I truly feel that it has never been my place to get involved with any sentencing aspects of any offender. However, when contacted I expressed that I would state for the record that from my experience, as stated, offender Tisius is a model inmate and I would not foresee this changing if he was incarcerated for the rest of his life.

In closing, I want to say that I am still very proud to have been employed by the Missouri Department of Corrections and I am very thankful for the experiences that I had. Thank you for your consideration in this matter.

Troy L Steele

Retired Warden Troy Steele

5 Jurors Reconsider
1 Alternate Shares her Vote
3 Jurors Criticize

In preparation for this clemency request, we attempted to interview every juror. We met with almost all of them. Their memories were fresh, because this was such an emotional experience for them. We provided them the information that fills the pages of this request. Their affidavits are included in their entirety, and they are sprinkled throughout this application for your review.

"I have now learned that Mr. Tisius, since the trial, has been using his artistic talents to help others. This further reinforces the idea that he is less dangerous than I thought at the time of the trial . . . I would be comfortable with Mr. Tisius's sentence being reduced to life without parole."

"I remember that Mr. Tisius's defense attorneys presented very little. It seemed they had no defense against the death penalty."

"If the governor commuted Mr. Tisius's sentence to LWOP, it would not bother me or upset me, particularly ifsuch a decision was based on the governor's consideration of new mitigating circumstances that the jury did not get a chance to consider."

"He was a broken person that made a terrible mistake."

"I previously worked at a medical facility and have seen medical imagining before. I was told these changes in the brain can show up in brain imaging. I had not heard any of this information before. If I had heard this information, I can say that it would have been impactful to me."

'I did not feel Michael's attorneys tried to defend him. "

"I would not object if Mr. Tisius's sentence were reduced to life without parole. I worked at a law firm for several years prior to serving on this case. Also, I had taken some legal classes. It was my impression that Mr. Tisius's attorneys did not do much to refute the state's case. I've seen good lawyers before, and I did not feel Mr. Tisius's lawyers were aggressive. They seemed passive. The good lawyers I've seen are proactive."

"I would not object if Mr. Tisius's sentence was reduced to life without parole."

"I have also learned that Mr. Tisius has had a good prison record since this trial, and that he has been making positive contributions while in prison. I beheve that people can change and should get second chances. At this time, based on what I have learned since the trial, I support the Governor commuting Mr. Tisius's sentence to life without parole."

AFFIDAVIT OF

states under oath as follows: My name is , I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I served on the jury in Boone County, Missouri, in the case of Michael Tisius. We were instructed that we were to decide, based on the evidence, whether Mr. Tisius should be sentenced to death or life imprisonment. We were told that the decision as to guilt had already been made and Mr. Tisius was receiving this second sentencing because the wrong song was played at the first trial. After deliberation, the jury returned a verdict of death. I agree with that decision.

Mr. Tisius seemed like a follower, impressionable, more likely too succumb to peer pressure. He did not seem like a person with a violent history, nor like a person who would be violent in the future. He did not seem like a criminal mastermind, it was clear to me that Roy Vance was the one pulling the strings.

I was informed that Mr. Tisius suffered neglect and abuse as a child and those things can change someone's brain and can affect how people respond in a fight or flight situations. At trial, we were only read a transcript of the psychiatrist's prior testimony. As a visual learner, I would have preferred seeing an actual doctor testify.

I previously worked at a medical facility, and have seen medical imagining before. I was told these changes in the brain can show up in brain imaging. I had not heard any of this information before. If I had heard this information, I can say that it would have been impactful to me. I would have liked to have heard live testimony and seen brain scans.

Subscribed and sworn to before me on (date): March 8, 2023

SARAH K TOPOLSKI
Notary Public, Notary Seal
State of Missouri
Clay County
Commission # 18592187
My Commission Expires 12-02-2026

Sarah K Topolski
NOTARY PUBLIC

Portrait of an Artist

[Excerpted conversation with Michael Tisius]

Why has art been so pivotal throughout your life?

It is both emotionally and mentally therapeutic. In a world where I felt I had no control, art has given me that control and has allowed me to connect to my emotions, as well as other individuals. It allows me to express myself when my words can't.

Why do you do art?

My hope is to erase some of the darkness of my past and to bring some beauty into this world, while I can.

How did you come about doing murals inside the prison?

The caseworker saw my art and asked me to work with them to create art around the prison. My first mural was in the custody complex, in a staff only area and consisted of the Missouri flag, the US flag and representative badges for each rank back in 2011. I have been creating artwork around the prison ever since. My latest murals were for the Special Needs Unit (SNU) in order to brighten their environment and to raise positivity. I am now working on a painting featuring a positive, motivational phrase on the wall in the PRU (rehabilitation for long term Ad-Seg) that I hope to complete before my scheduled execution.

Which of your prison murals are your favorite?

There are two projects that I am most proud of. The first being the murals that I created for the Veterans' Wing. There are separate murals for each of the 5 branches of the military. I was able to work hand-in-hand with several Veterans getting their input and insight for the project. The second is for Puppies for Parole, which I have contributed multiple projects over the years.

How did creating artwork for the domestic violence center auctions come about?

3 of the caseworkers saw the positive response that came from my murals within the institution and asked if I would like to be involved in making a change in more people's lives with my art. I said, "absolutely." They believed that my art would be pivotal in raising funds to benefit the women living at the shelter.

AFFIDAVIT OF

states under oath as follows:

My name is , I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I was an alternate on the jury in Boone County, Missouri, in the case of Michael Tisius. This was a re-sentencing hearing and we had to decide whether Mr. Tisius should be sentenced to death or life imprisonment. We knew his guilt was already established. After deliberation, the jury returned a verdict of death. I disagreed with that decision at the time.

If I had been a juror, and not an alternate, I would've voted for life imprisonment. I hope the Governor grants clemency to Michael and gives him life without parole. Michael's life seemed clear to me at the time: a kid who cried for help, and never had a chance. The system failed him. He desperately needed somebody to step in. The school knew, social service, all these entities involved, and nobody did anything. If anyone ever deserved to be rehabilitated, it is him. I believe that some people should get the death penalty, but not this boy, no way. The way I look at it is that he was a broken person that made a terrible mistake.

I've thought about this case a lot. It really messed me up to sit through this trial, then learn I would not be able to vote and make my voice heard, and then see my fellow jurors give him the death penalty. I thought about this case all the time in the first few years after it. I couldn't sleep, and occasionally I'd cry when talking about it. I still think about it in passing, probably thinking of the case once or twice

a month. When the verdict was announced, I was shocked my fellow jurors voted the way they did.

I felt that many of my fellow jurors only saw him as a cop killer and that's all that mattered. I think if the evidence had been presented better, or if the jurors heard a fuller picture of Michael's life, they would have voted for life. On the way back to Greene County, on the bus, some of the jurors told me that half of their deliberation time was just eating their lunch. I think Michael deserved a longer contemplation on what should happen, and I hope the Governor gives that to him.

I understand that he killed those two officers, and that is wrong. Frankly, I was surprised I was picked as a juror, because I have many law enforcement officers in my family. Being close to so many cops, I support the death penalty. Some people deserve the most severe punishment. But, not Michael. His mom neglected him. His dad, who was a former cop, abandoned him. His brother tried to help Michael, but he was one of Michael's bullies. A lot of this I figured out by reading between the lines at trial, because Michael's lawyers never explained this.

I think that's because Michael's lawyers did not do their job. They didn't do anything for Michael. They did him a disservice. I know they put on some evidence, but overall, it felt like they were just warm bodies, two rocks. It was pitiful.

I'm not surprised his new lawyers have found more evidence in his case. I'm not surprised that Roy Vance broke out of a county jail before this, nor that all of Vance's and Michael's cellmates said Roy Vance had complete control over this young kid. He was a child. He had a child's mind. I remember thinking at the time,

he has the mind of a 12 year old. I do think the jury should have heard this evidence, and I think it would've helped many of them. Michael was so starved for love, any attention would've meant the world to him, and he would have done anything for the person who gave it. Michael saw Vance as a father figure. Now we'd call it grooming, because he wasn't a true father figure, he was a bad dude.

I'm not surprised to hear of the impact Michael's childhood had on his brain. I know that trauma can affect your brain. I'm not surprised that Joey's beatings also likely contributed to Michael's neurological issues. I was aware at the time of his age and that impact on his brain, but that was never told to the jury. I think all of these cognitive issues weigh in favor of commuting his sentence, and I think other jurors would have been persuaded about it if they heard it.

I thought the evidence about Michael pointing a finger-gun at the jailer in Chariton County and Michael's boot shank conviction were part of the prosecutor's strategy to make Michael look as bad as possible. I did not think the Chariton County finger pointing evidence was very important, but the fact that the witness lied was not okay. I think the jurors needed to know that evidence wasn't true. As for the boot shank being placed in Michael's radio without his knowledge, that just shows how pitiful his life really is. People are always taking advantage of him.

Another witness that Michael's legal team did not do a good job with was his teacher. She was a really good witness for him, but the prosecution made her look bad with their questions. I don't think she was ready to testify, and that's a shame, because you could tell she has good information, but was uncomfortable testifying.

I wish the jury would've heard more about Michael's mom neglecting him, including sending him to school in clothes that smelled like urine. I wish the jury would've heard more about Michael's dad completely abandoning him and abusing him. The jurors should have heard the full picture of Michael's difficult childhood. I think it would've helped the jury choose to vote for life without parole.

I'm happy to hear Michael is still doing artwork and using it to contribute to society. I'm also happy that he has a good prison record since this trial. I've always felt he was a kid who never got a break, so I'm happy to see that he's done as well for himself as he can.

I fully support a grant of clemency and request the governor to commute his sentence to life without parole.

Subscribed and sworn to before me on (date) October 21, 2022

Cindy Malone

NOTARY PUBLIC

CINDY J. MALONE
Notary Public - Notary Seal
State of Missouri
Commissioned for Boone County
My Commission Expires: June 05, 2024
Commission Number: 12350810

"Art has fully changed who I am as an individual, my life, and my outlook on it. By working with the DOC, I am able to use my time and my art to spread positivity and benefit others."

AFFIDAVIT OF

states under oath as follows:

My name is , I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I served on the jury in Boone County, Missouri in the case of Michael Tisius. This was a sentencing hearing. We were instructed that we were to decide, based on the evidence, whether Mr. Tisius should be sentenced to death or life imprisonment. We were told that the decision as to guilt had already been made. After deliberation, the jury returned a verdict of death. I agreed with that decision at the time.

An issue that concerned me at trial from the Boone County jailer had provided testimony that Mr. Tisius made a gun gesture and a popping sound while in his cell. We were told that the jailer had lied about hearing the noise, but I now have learned that photographic evidence shows that she could not have seen the gesture either. This would have made a difference in my verdict between life without parole and a death sentence. Knowing this new information, I would want a life without parole sentence.

I would like Governor Parson to consider this new evidence in reaching a decision whether to reduce Mr. Tisius' sentence to life without parole.

At this time, based on what I have learned since the trial, I would not object if Mr. Tisius's sentence were reduced to life without parole.

I remember that Mr. Tisius was clearly under the influence of Roy Vance, a friend who turned out not to be a friend.

Date: 10-20-2022

I have also learned that Mr. Tisius has had a good prison record since this trial, and that he has been making positive contributions while in prison. I believe that people can change, and should get second chances.

Subscribed and sworn to before me on (date) October 20, 2022

Cindy J. Malone
NOTARY PUBLIC

CINDY J. MALONE
Notary Public - Notary Seal
State of Missouri
Commissioned for Boone County
My Commission Expires: June 05, 2024
Commission Number: 12350810

Date: 10-20-2022

Flat-Fee Payments are Unethical

As part of our clemency request, you will be receiving a letter from several ethics professors from law schools across Missouri. They agree with a point we have long-raised in this case: the Missouri State Public Defender's practice of hiring contract attorneys on capital cases with a flat-fee payment arrangement is unethical. The lawyer is forced to work against himself, in that, every hour he dedicates to the case, the less money he makes. Michael was granted a resentencing based off the lengthy and exhaustive re-examination of his case by Greg Mermelstein. He called 60 witnesses during Michael's post-conviction case. Below, he tells the story of his interactions with Michael's attorneys.

b. I had minimal contact with either Mr. Slusher or Mr. McBride, even though they had been on my former client's case for a number of years.

c. I received a call from one of the lawyers approximately two weeks prior to the resentencing hearing, and I was asked what mitigation witnesses I would recommend presenting at sentencing. I informed him to the effect that he should present all of the mitigation witnesses developed in the

d. This call worried me in that it was apparent that Mr. Tisius' attorneys were unfamiliar with the substance of the mitigation phase witnesses that had been presented in the prior post-conviction proceeding.

e. The call prompted me to be concerned that Mr. Tisius' attorneys had not received the post-conviction file.

12. My understanding is that the attorneys in Mr. Tisius' resentencing trial case (Mr. McBride and Mr. Slusher) were hired for a low, flat-fee. I have been concerned about flat-fees in death penalty cases for many years. I know that that the American Bar Association and some other states have recommended against flat-fees in death penalty cases. I believe that flat-fees in death penalty cases – especially low ones -- create a conflict of interest and disincentive for attorneys to do substantial work on a case. I believe that low flat-fees in death penalty cases often result in "You get what you pay for."

I declare under penalty of perjury that the foregoing is true and correct.

GREG MERMELSTEIN
Deputy Director / General Counsel
Missouri State Public Defender System

AFFIDAVIT OF

I, , after being duly sworn, declare under penalty of perjury, the following to be true to the best of my knowledge and belief:

My name is , I am over the age of 18 years and fully competent to make this affidavit.

On October 16, 2022, I signed an affidavit regarding my service as an alternate juror in the July, 2010, case of Michael Tisius.

After I signed the affidavit, I learned more regarding Roy Vance's role in "grooming" Mr. Tisius. While the defense played up that Mr. Vance was a "father figure," they did not provide the information from the expert regarding Mr. Vance grooming Mr. Tisius. I would have wanted expert testimony on grooming behavior and the dynamic between Mr. Tisius and Mr. Vance that resulted in Mr. Vance gaining the ability to control Mr. Tisius. I would have found it helpful to learn more information on how Mr. Tisius was particularly gullible and susceptible to Mr. Vance's manipulation.

In combination with some of the recent information that came out, this information would have been weighted heavily and could have changed my view of Mr. Tisius.

As I affirmed in my previous affidavit, I would like Governor Parson to consider all the new evidence in reaching a decision whether to reduce Mr. Tisius's

Initial: Date: 10.16.22

sentence to life without parole. I would be comfortable with Mr. Tisius receiving a sentence of life without the possibility of parole.

I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 16 day of October, 2022.

State of Missouri)
)
) SS:
)
County of Greene)

On this 16th day of October, 2022, before me, the undersigned notary, personally appeared , personally known to me, to be the person who signed the proceeding document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

KATHLEEN J CLEARY
Notary Public, Notary Seal
State of Missouri
Jackson County
Commission # 21979472
My Commission Expires 03-24-2025

Notary Public: Kathleen J Cleary
Kathleen J. Cleary

My Commission Expires: March 24, 2025

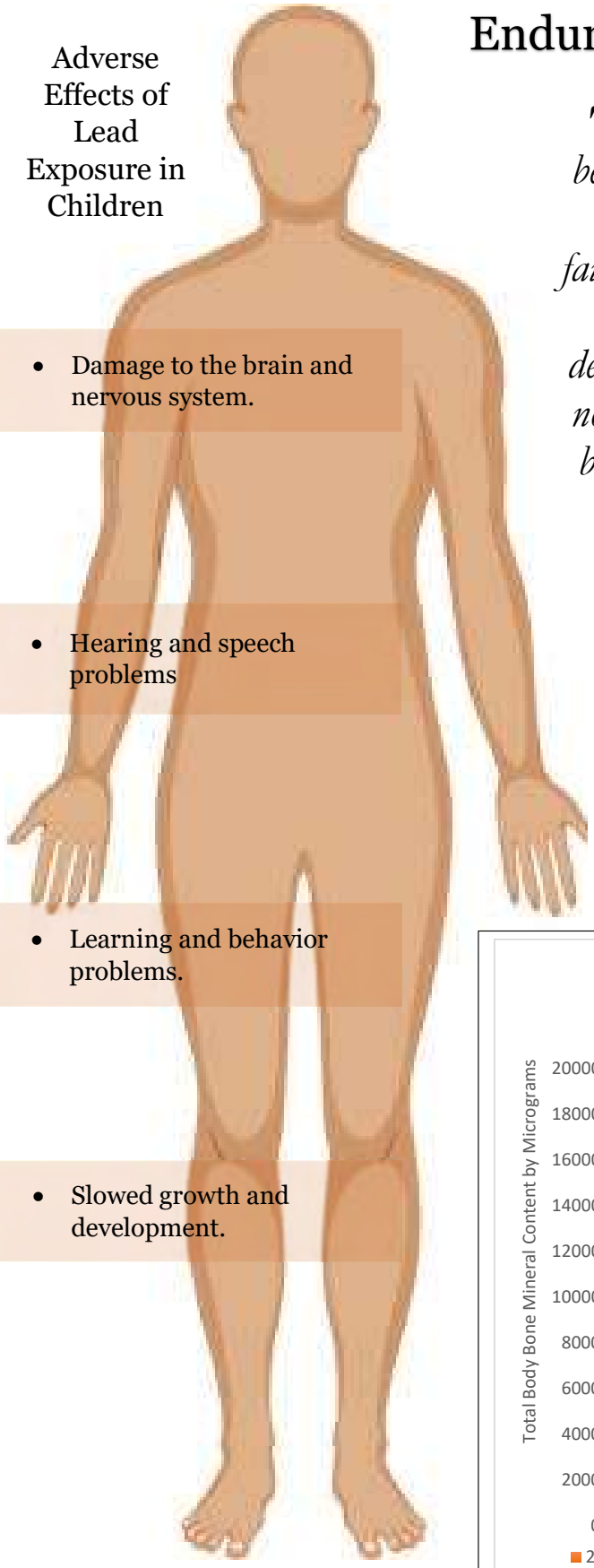
Commission # 21979472

Initials: _

Date: 10.16.22

Enduring the Trauma of Lead

Adverse Effects of Lead Exposure in Children



- Damage to the brain and nervous system.
- Hearing and speech problems
- Learning and behavior problems.
- Slowed growth and development.

"Unfortunately, while his deficits would have been fully reversible with good medical care and attentive parenting when he was a child, the failure to detect and address this issue has had a cumulative negative effect on his brain development and left him with deficits that have not only undermined his academic achievement, but also made him vulnerable and more likely to be taken advantage of by others."

-Dr. Richard Shaw

Lead in Blood by Dr. Aaron Specht

Michael grew up near a SuperFund site. Recent testing confirmed what had long been suspected: Michael's neurodevelopmental deficits were caused, at least in part, by lead and its deleterious effects in the body.

AFFIDAVIT OF

I, , after being duly sworn, declare under penalty of perjury, the following to be true to the best of my knowledge and belief:

My name is , I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I served on the jury in Boone County, Missouri in the case of Michael Tisius. This was a sentencing hearing. We were instructed that we were to decide, based on the evidence, whether Mr. Tisius should be sentenced to death or life imprisonment. We were told that the decision as to guilt had already been made. I was an alternate juror, but was not aware of that until all of the evidence had been heard and the jury went into deliberation.

I am aware that the jury sentenced Mr. Tisius to death. At the time, I agreed with that decision.

An issue that concerned me was Mr. Tisius's problems as a prisoner. The trial testimony included an incident in which Mr. Tisius was said to have pointed his finger in a gun gesture at a jailer and made a popping noise. We were told during the trial that the jailer had lied about hearing the noise, but I have now learned that photographic evidence shows that she could not have seen the gesture, either. That is disturbing to me because this was important evidence of Mr. Tisius's being a dangerous prisoner, and the deputy should not have lied about it.

Initials

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We also heard that Mr. Tisius had been found with a shank. I have now learned that while the item was found in Mr. Tisius's radio, in fact it was placed there by another prisoner. Mr. Tisius was aware it was there but did not report it for fear of retribution. That information would have again changed my view of Mr. Tisius as a dangerous prisoner.

I have also learned that a prison expert has now explained Mr. Tisius's prison record, and the fact that he has had relatively few difficulties in prison as compared to other prisoners. Again, that would have changed my impression that the cumulative information about Mr. Tisius's behavior in prison showed he was dangerous.

I have now learned that Mr. Tisius, since the trial, has been using his artistic talents to help others. This further reinforces the idea that he is less dangerous than I thought at the time of the trial.

I felt like we got a condensed version of the evidence. When a jury is making a decision for life or death, they should have all of the information that is available. It is upsetting to me that there was information that the jury did not know before they sentenced Mr. Tisius to death.

That said, I do not have to make a decision now. But if the governor considered the new evidence, I would be comfortable with Mr. Tisius's sentence being reduced to life without parole.

Initials

Date: 10.16.22

I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 16 day of October, 2022.

State of Missouri)
)
) SS:
)
County of Greene)

On this 16th day of October, 2022, before me, the undersigned notary, personally appeared , personally known to me, to be the person who signed the proceeding document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

KATHLEEN J CLEARY
Notary Public, Notary Seal
State of Missouri
Jackson County
Commission # 21979472
My Commission Expires 03-24-2025

Notary Public: Kathleen J. Cleary
Kathleen J. Cleary

My Commission Expires: March 24, 2025

Commission # 21979472

Initials:

Date: 10.16.22

An Unwanted Child, Literally from Birth

Michael Andrew Tisius was born on February 16, 1981, in Creve Couer, Missouri. Michael was Chuck's first child and Patty's second. Shortly after Michael's birth, Chuck stormed out of the delivery room complaining that he had wanted the baby to be a girl. Patty told Michael this story *ad nauseum* throughout his life.

Similarly, his half-brother Joey hated Michael from the moment he was born. When Michael was still an infant, Joey tried to choke and kill him. This was another favorite story of Patty's. She told it whenever someone remarked on how opposite Michael and Joey were. She thought it was funny.

"Joey hated Michael from the moment he was born. When Michael was still an infant, Joey tried to choke and kill him."

Patty and Chuck had a difficult relationship. When Michael was a baby, Patty called Aunt Gloria crying, reporting that Chuck had been hitting her, so she'd gone to the shelter. When Patty learned Chuck was having extramarital affairs, she confronted one of the women. When that woman told Chuck about Patty's confrontation, Chuck became enraged and disappeared, abandoning Patty and the boys for the rest of Michael's life.

In June 1982, Chuck joined the Army Reserves and left for basic training. He did not return until November of that year, when Michael was 16 months old. While Chuck was away, Patty propositioned Chuck's best friend and another man to pay her for sex at the bar where Dottie worked.

Two of Patty's best friends told Chuck the same story and added that Patty was working for a pimp. Patty spent a lot of time at the bar, regularly leaving Michael and Joey there at night while she turned tricks, returning to pick them up around 1am. This started when Joey was a toddler and Michael was still in his car seat and became a regular feature of their lives for years.

Shortly after Chuck returned from basic training, he began divorce proceedings. Both children remained at home with Patty, a single mother of two boys under the age of four, without a regular job. She received state assistance for the kids, but life in Patty's house was not easy.

When family visited, they would find toddler Michael running loose, hands dirty from sticking his hands in his soiled diaper. Patty would be elsewhere in the house, occupied with other things, cold and uninterested.

Of the two kids, Joey was her favorite. If Joey tried to hug her, she hugged him back. That was not the case with Michael. Patty spoke harshly to Michael and yelled at him constantly. She was not affectionate. She did not hug him. Michael often appeared to be hungry. When questioned about by family members, Patty would take a cold hot dog out of the fridge and toss it at him. He seemed happy to get anything to eat. She did not cook regular meals. The boys lived on Pepsi, cold hot dogs, and chips.

The divorce was finalized on September 7, 1983. Two months later, Patty filed a temporary restraining order against Chuck. Chuck and Patty's post-divorce relationship was hostile and antagonistic. They fought over custody of Michael for more than ten years. Michael recalls Patty identifying a woman when he was 3 or 4 as "that fucking fat bitch that dad cheated on me with." Michael didn't know what a "fucking bitch" was or even who "dad" was.

In 1984, after getting behind on property taxes, Patty lost the house she had inherited from her father. She moved Joey and Michael into an apartment in St. Louis.

Chuck married a woman named Leslie Cox in 1983, only to divorce her in early 1986. Eight months later, Chuck married his third wife, Leslie Semore. Michael, then five, attended the wedding with his mom. Patty left during the reception, leaving Michael behind without making any arrangements for his care. A friend of Chuck's new wife, a nineteen-year-old whom Patty had never met, took Michael home with her that night.

Chuck and Leslie sporadically took Michael on weekends or holidays. These were pre-arranged custody hand-offs, but Patty regularly cancelled at the last minute or failed to appear. Sometimes Chuck and Leslie arrived at Patty's to pick up Michael only to find no one was home. Numerous family members believed Patty worked as a prostitute during this time.

In an apparent effort to facilitate the hand-offs, Chuck gave Patty a car. This initially improved the visitation issues, but Patty quickly devolved back into irregularity. Leslie tried to mediate Chuck and Patty's volatile and hostile relationship, but it only grew more antagonistic.

Chuck began working as a police officer. Several generations of Tisius family members have worked in law enforcement, the military and as fire fighters.

When Michael was less than six years old, Chuck brought him to the police department where he was working. He introduced Michael to his colleagues by name but did not identify Michael as his son. An African American man was in custody with his hands cuffed behind his back. Michael had never seen a black person before, except on TV. Chuck handed Michael a nightstick and asked, "You want to beat a nigger to death?" Michael was scared and did not know how to respond. He did not want to beat anyone.

On April 5, 1987, when Chuck was 24 years old and still working in the same department, he was shot on the job and severely injured. Michael learned his father had been shot by seeing a report on the news.

"You want to beat a nigger to death?" Michael was scared. He did not want to beat anyone.

During Chuck's recovery, he became addicted to pain pills and began forging prescriptions and stealing from relatives. Chuck left his job at the department in March 1988, a year after the shooting. From that point on, his employment was unstable and erratic.

Things got so bad later in Chuck's life that he took his then pre-teen daughter Lauren to attempt to get drugs with a forged prescription, thinking he was less likely to be arrested with a child in tow. He was arrested nonetheless, and Lauren was embarrassed to be recognized by the father of her schoolmate at the station while Chuck was in booking.

During this time, Patty continued to abandon Michael and Joey at bars, including one where Dottie worked as a waitress, Colombo's in St. Louis. Patty set them up a few nights a week behind the pool table and left them there until late into the night. Michael busied himself by drawing pictures and tried to ignore the noise and chaos around him. Sometimes Dottie spilled out her tip jar so he and Joey could play bumper pool. Other times, they would wander to the back room and watch TV.

As a child, Michael had episodes where he stared into space, completely in his own world. During these episodes, his name could be called several times and he would appear not to hear it. Then he would suddenly snap out of it, seemingly unaware anything had happened.

Michael on Remorse:

(Written statement morning after the murder)

"I know what I have done was wrong and will never be fixed. No I don't belive [sic] they deserved it. An officer asked me if I could go back and do it all over what would I do. I said I would kill myself to save their lives. I know I deserve what ever I get and got coming to me"

(Q&A during interrogation)

Q: If you could go back to yesterday (June 21, 2000) and start over what would you do different?

A: *"I'd do 1 of 2 things; I'd call my mom and beg for forgiveness and to let me come home or I'd shoot myself. These 2 didn't deserve that."*

Michael was a timid child. He often became frustrated trying to communicate. He was slow to talk and grasped for words. He also had a stutter that appeared when he got excited, which made him self-conscious and embarrassed him. Patty berated him when he stuttered, further humiliating him.

Michael's pediatrician noted that Michael, at age five, was a "nice little boy that looks at TV all day." Family members, neighbors, and friends recall that he seemed more comfortable isolating in his own world. Whenever he stepped out of it, he was subject to being misled: he was gullible and naïve, and would fall for anything.

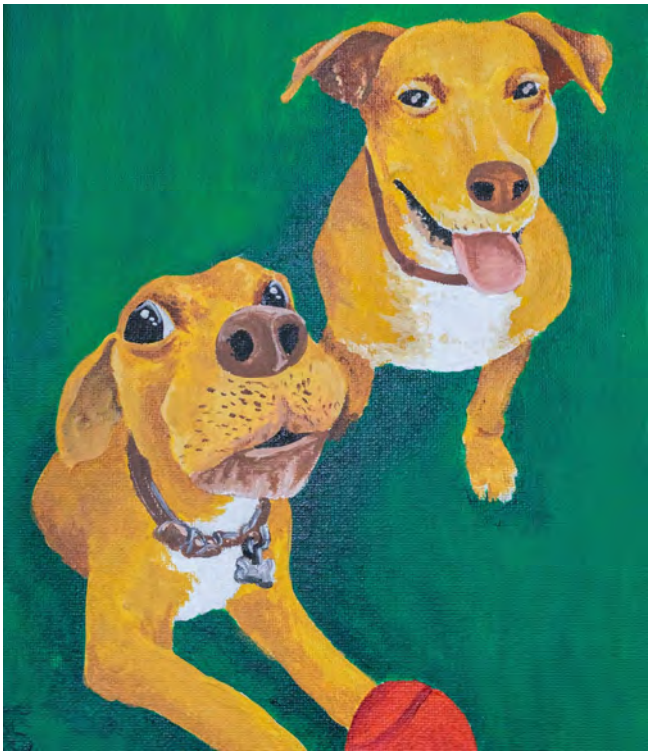
When Michael was in first grade, Chuck and Leslie's first child was born – the girl Chuck had longed for. Chuck rarely scheduled visits anymore and typically no-showed when he did. Michael would sit on the front porch waiting for hours for Chuck to show up before finally giving up. Back inside the house, Michael would cry and cry, and Patty realized he was becoming depressed. He did not want to leave the house and stopped wanting to play.

The custody arrangement became completely spontaneous and unpredictable. When Patty and Chuck did meet to exchange Michael, they often had explosive fights in front of him, both routinely using him as a pawn in their disputes. At some point, Leslie intervened, cultivating a civil relationship with Patty, which allowed the two women to arrange hand-offs without involving Chuck at all.

It was often late when Michael was picked up at Patty's, well past ten at night. He was usually in rough shape. He was frequently sick, with a constant runny nose. His hair was greasy; he wore dirty and too-small clothes, and reeked of urine. Chuck and Leslie had to bathe and delouse him, and sometimes buy new clothes for him, before they could take him anywhere in public.

The neighborhood where Patty lived was so dangerous that when Leslie became pregnant, she was no longer willing to enter it to pick Michael up or drop him off. Chuck stopped visiting Michael altogether.

Michael's pediatric medical records are peppered with illnesses and ailments. Many of his medical issues were hygiene-related, like scabies and ringworm. Michael later learned it's something you get when you are dirty. Michael had no chores as a kid, wasn't taught how to do dishes or clean bowls. He did not learn how to clean a bowl or take a regular shower until much later in life. He was later ridiculed in prison for not knowing how to clean things and for having poor hygiene. Patty never made him take showers or baths. He would run around outside, get dirty and then put on different clothes in the morning without showering or brushing his teeth.



Although Patty rarely had a job, she was often gone from the house, leaving Michael and Joey alone together. When she was home, she did not interact with them – sometimes she would go in her room and just cry for hours – so the boys were left to their own devices. Michael and Joey were physical opposites. Joey was large for his age: stocky, thick, and muscular. Michael was one of the smallest of all the boys his age. Gerald Wool, Michael's pediatrician noted five times over 13 years, that Michael was small for his age.

Joey was an abnormally aggressive child. He took advantage of Patty's absence and attacked Michael on a daily basis. The beatings were unprovoked, severe, and unpredictable. In addition to punching and kicking, Joey threw baseballs, hockey balls, bottles, and shoes at Michael as hard as he could. Even if present, Patty did not intervene other than to yell and scream, which she did constantly. Joey was undeterred. After the beatings, Michael would be sent to his room, where Joey often followed him to continue the abuse.

During visits at Chuck's house, Leslie was the primary caregiver. She perceived Michael as a sad little boy who was nobody's favorite. He seemed desperate for affection. Having witnessed Patty's neglectful parenting, she felt sorry for Michael and wanted to help him. But Leslie's nurturance was routinely weaponized by Chuck to disparage Patty. For example, if Leslie made dinner, Chuck would comment to Michael that he bet Patty never cooked. Leslie wondered what was going on at Patty's home but did not ask because she wanted Michael to have at least one place to go where he did not have to be worried. Chuck also told Michael that his mother was a prostitute.

Michael did not know what a prostitute was. He later asked Joey, who explained it. Michael was shocked that his mom would do that.

Michael was bewildered that when Leslie made a hot meal for Michael and the rest of the family, they all sat at the table together to eat it. At Patty's house they typically ate on their own; on the rare occasions when they all sat together to eat, they did so without speaking and ate as quickly as possible. Family dinners in the traditional sense, like at Leslie's, were a foreign experience, fraught with anxiety for Michael. He did not know how to act and worried he would do or say the wrong thing.

Once, when Leslie was driving with Michael somewhere, she heard a tiny voice from the backseat ask, "Can I call you Mom?" Leslie told Michael that he could call her anything he wanted. On September 28, 1991, Michael's pediatrician at the Children's Clinic noted he was immature and cried easily. He was still small for his age. On June 30, 1992 and October 5, 1992, the

doctor noted that Michael, age 11, still wet the bed. He further noted that Patty, too, had wet the bed until she was in fourth grade.

By third grade, violence and terror were regular features of Michael's daily life. Joey's vicious assaults on Michael persisted. They were most severe when Michael was between the ages of eight and ten. Joey once hit Michael in the back of the head with a 12" decorative garden rock. Another time, he punched Michael repeatedly until he fell to the ground and then banged his head against the ground until he lost consciousness, as neighborhood friends looked on. Michael was unconscious for several minutes.

Childhood friend Deanna Guenther knelt on the ground beside Michael and held him until he woke up. When he started talking, his words were "all jumbled up." Calling an adult for help was not something any of the children viewed as an option available to them. They believed it would be pointless to tell Michael's mother because she would not have cared or done anything about it.

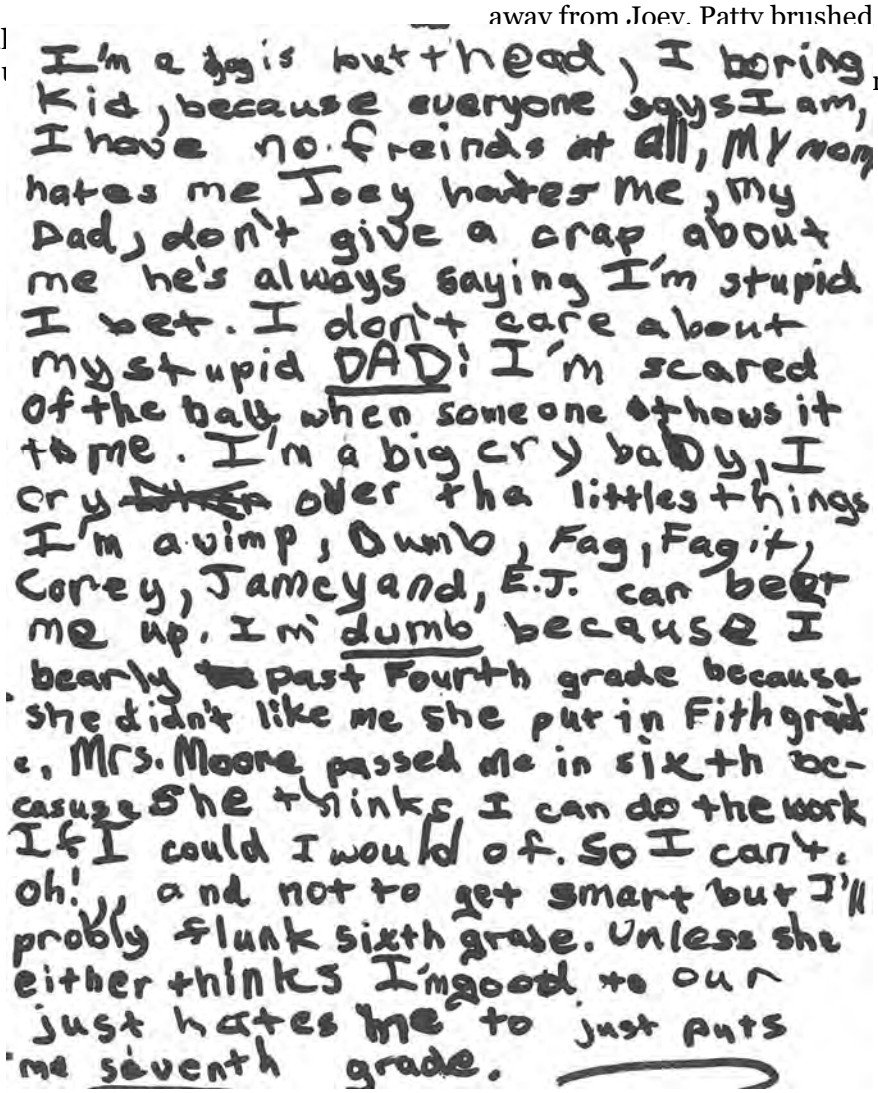
Joey also used a whiffle ball bat filled with rocks to assault and terrorize Michael. He would chase Michael, swinging and hitting him until he was backed into a corner. Joey left dents in a door at

"I learned how to take a punch. I could not fight back or it would be worse."

their Hillsboro home from hitting Michael with the bat while Michael crouched against the door.

Kids from the neighborhood stayed away from Patty's house when she was home. It was common knowledge that she hated kids and did not want them around. She was known for her mood swings, happy one minute then angry the next. Also, her house was dirty, unkempt, and in a state of disrepair.

Life under Patty's rul
She was distant and
emotionally and verbally abusive to Michael. She screamed at him constantly regardless of who else was around. Her constant berating made family members who witnessed it very uncomfortable. She called Michael names and was hypercritical. When she went away on trips, she often left the boys with Dottie, who openly favored Joey. Dottie, like Patty, was cruel toward Michael, similarly denigrating him.


I'm a big stupid head, I boring
kid, because everyone says I am,
I have no freinds at all, My mom
hates me Joey hates me, my
Dad, don't give a crap about
me he's always saying I'm stupid
I bet. I don't care about
my stupid DAD! I'm scared
of the ball when someone throws it
to me. I'm a big cry baby, I
cry over tha littles things
I'm a wimp, Dumb, Fag, Fag it,
Corey, Jameyand, E.J. can beat
me up. I m' dumb because I
bearly past Fourth grade because
she didn't like me she put in Fith grad
e, Mrs. Moore passed me in sixth be-
casuse she thinks I can do the work
If I could I would of. So I can't.
oh!, and not to get smart but I'll
probly flunk sixth grade. Unless she
either thinks I'm good to our
just hates me to just puts
me seventh grade.

Devoid of any collective routine, Michael stayed awake until 2 a.m. as a child. He sometimes left in the middle of the night to walk down to the corner store and get a soda.

Patty herself had predictable and solitary rituals. She spent every night in the same chair, sitting with her legs pulled up to her chest inside her favorite blue housecoat, sucking her thumb and writing for hours in a notepad. When she was not sucking her thumb, she chain-smoked cigarettes. When she was not writing in the legal pad, she compulsively twirled her hair and talked on the phone for hours.

At Michael's 12th birthday party, Joey's dad and family gave him cards containing money, and he put the money under his mattress for safekeeping. When it disappeared, he realized that his mom had to have taken it. She, in turn, lectured and grounded him because he'd let someone steal it.

Michael was forced to learn how to deal with Joey's aggression. "I learned how to take a punch. I could not fight back or it would be worse." He tried to stay away from Joey. Patty brushed off Joey's abuse as "You're a little ns." Before he was even a teenager, Michael had given in and given up. In his words, "You can only push a rock up the hill for so long and then you quit trying. You realize that you still have to get up the hill."

There was never a time that Michael did not feel hopeless as a child, and he even tattooed the word itself on his arm. "I would just pray to die." Michael's profoundly low sense of self-worth was evidenced in his own writings. He left notes to himself, about himself all over the house, scrawled on paper, his jeans, shoes, and basketballs. In fourth grade, he wrote: "I'm weird I'm stupid I'm a weido I'm ugly I'm a moron nobody likes me I'm ugly I'm a dork a geekazoid I'm a slob I'm a geek nobody loves me I'm not worth a cent." [sic]

Patty behaved in erratic and confusing ways. When Michael was nine or ten years old, he and Patty were driving home from her mother's house in their '72 Impala. Unexpectedly and without looking at Michael, Patty said, "I could step on the gas and

"I could step on the gas and swerve this car into that tree and kill us both right now."

swerve this car into that tree and kill us both right now." Michael grabbed the door handle and braced for impact. He tried to imagine how fast the car was going and wondered if he could jump out. He wondered what he did to make her want to kill him.

Four days into his repeat sixth grade school year, a series of events took place that mark a significantly challenging period of time. Chuck filed paperwork seeking to have Michael move in with him, his wife Leslie and their two daughters. John Perry, working for the court, conducted assessment visits in the homes of Patty and Chuck, interviewing both of them and Leslie. Perry found flimsy Chuck's excuses for not having visited Michael regularly. He doubted the sincerity of Chuck's custody request: at the time of Mr. Perry's visit, Chuck had not seen his son in over two years.

However, Mr. Perry observed that Michael was not doing well in his present setting. He had failed sixth grade and seemed quite unhappy. Michael disclosed to Mr. Perry that Joey beat him up a lot. Mr. Perry noted Patty's bedraggled home and her lack of attention to the boys' hygiene. He further noted that Michael did not hesitate to say, in front of Patty, that he wanted to live with his father - nor was Patty upset to hear it.

When Mr. Perry visited Chuck and Leslie's, he found they had set aside a room for Michael with some furniture but without any drapes or bedding. They told Mr. Perry they had Christmas and birthday presents for Michael at the house, but could not produce them. Mr. Perry was disturbed by Chuck's lack of sincerity and indicated his suspicion that Chuck's real goal was a break in child support.However, Mr. Perry also noted that Leslie and Chuck seemed to care about their environment in a way Patty did not. And Leslie said that her job would provide transition counseling for Michael, which would be required should the court allow a change of custody. Mr. Perry agonized over his recommendation in the report, convinced that neither parent was likely to provide a good environment for Michael. He expected Michael moving in with Chuck would invite a great deal of disappointment, but prospects at Patty's were possibly even more grim. With great reticence, he ultimately recommended the court heed Michael's wishes and allow him to live with his dad on a trial basis for the school year.

Michael's teacher for his repeat sixth grade year was Janice Page, who had been Joey's teacher two years prior. When Joey was in Mrs. Page's class, Patty expressed an interest in him, attending many of his parent/teacher conferences and stopping in after school to ask how he was doing. Things were different with Michael. Patty stopped in less and seemed uninterested in his work. Mrs. Page remembers Patty was desperate to hear something positive about her kids from Mrs. Page, because that would make Patty feel good about herself. If Michael himself showed her something he was proud of, she shrugged. It was obvious to Mrs. Page that Patty had struggled in life. She looked older than her 33 years, her teeth were in poor condition, she "looked like she had a lot of miles on her." Hillsboro, where Mrs. Page taught and Michael attended, was an impoverished school district. And yet, Mrs. Page viewed Patty as the poorest parent she had ever seen in Hillsboro.

Patty also seemed to have some emotional problems. Mrs. Page recalls that Patty reminded her of an abused animal; it was clear her self-esteem was very poor. Mrs. Page recalls that Patty seemed like a very sad woman who had no clue about parenting or nurturing. Mrs. Page recalls

these as the reasons why she still remembered Patty after many years.

Michael was a year older than his classmates. However, this did little to close the achievement gap between them. He struggled to keep up academically and in gym class. He was still quite small. He dressed younger than his age, wearing overalls nearly every day, after the other sixth graders had long outgrown the style. Mrs. Page recalls that Michael constantly told her, "*Joey is mean to me. He hits me*." Despite the consistency of his refrain, Mrs. Page assumed he was joking and brushed it off.

While Michael told everyone in class that he was going to go live with his dad - "My dad wants me," he repeated over and over again – Mrs. Page thought it was a bad idea. He'd only just started making progress in her class. She expressed her concerns to Patty, who responded that it was what Michael wanted to do.

Michael moved in with Chuck, Leslie, and their daughters, Lauren and Corinne, on September 17, 1993. He stayed less than two months before returning to his mother's house. At Chuck's, Leslie was Michael's primary caregiver. Although Chuck had petitioned for custody, Leslie reports that he had little interest in the boy once he actually got him.

Michael, still in his second attempt at sixth grade, could read but not fluently. When he read aloud to Leslie, he went very slowly and struggled to sound out each word. Even when he could read the words, he did not understand what they meant. Michael reminded Leslie of a third or fourth grader, not a kid who was supposed to be in seventh grade. Teachers made special accommodations for Michael, including putting his homework together for Leslie to pick up every single day. At home, Leslie sat with him and helped him through his assignments. She recalls that Michael tried very hard but could not catch up, which was frustrating for him. Leslie recalls that Michael was not badly behaved; he just could not understand his schoolwork. Leslie and Michael's teachers openly discussed the fact that he was slow. Despite that, nothing was done to evaluate him nor were any special education services provided. Leslie recalls discussing with Michael's teachers the possibility of having him evaluated, but it never materialized.

Michael also struggled socially at his new school. He was an outcast. The other kids picked on him. Leslie recalled that Michael's teachers concentrated solely on discipline issues, and overlooked his learning problems and social ostracization. Leslie was a godsend, though. In the midst of this constant chaos between Patty's neglect and Chuck's unreliability, Leslie was a vessel of warmth and care. Michael, to this day, describes Leslie with a passage in First Corinthians, "Love is kind. Love is patient." Michael called her, "the Mom I never had and always wanted."

"Leslie was a vessel of warmth and care. Michael, to this day, describes Leslie with a passage in First Corinthians, "Love is kind. Love is patient." Michael called her, "the Mom I never had and always wanted."

However, Leslie's concern for Michael was not shared by Chuck, who was rarely present. When he was around, his focus on Michael was punitive in nature. He routinely searched Michael's room, turning it upside down looking for contraband.

Chuck was also disengaged from his other children. Leslie described Chuck as an okay parent until the kids turned five, at which point they mentally outgrew him. As a parent, he was undermining and irresponsible. Leslie recalls having spent her life trying to hide Chuck's shortcomings from her children. Chuck's parenting did not improve with experience: Leslie recalls that when she told their daughter Corrine she was not allowed to skip school, Chuck taught Corinne to hide under her bed until Leslie left for work. The two bummed cigarettes off one another when Corinne was still a teenager.

Michael's brief, two-month stay with Chuck ended abruptly. One day, Chuck spontaneously offered to take Michael to the arcade. Michael hopped in the car, excited to spend time with his dad. When they

arrived, they saw their 19-year-old neighbor, who promptly put her hands down the front of Chuck's pants in front of Michael. Chuck handed Michael a bunch of quarters and told him to play games before disappearing with the neighbor.

Chuck screamed at Michael during the drive home, warning him that he'd better keep his mouth shut. Michael did not understand what he'd seen or why his dad was yelling at him. Michael was taught a technique by a school counselor that when he was confused, he should write about it. So, when they got home, Michael wrote himself a letter describing the events of the day. Later, when Chuck searched Michael's room, he discovered the letter. He flew into a rage, convinced that Michael was going to tell Leslie. Chuck ordered Michael into the car and drove him back to Patty's. In the car, Chuck yelled and repeatedly slammed Michael's head against the window.

When Chuck arrived at Patty's front door enraged and calling Michael all sorts of names. He told Patty that she could have Michael, that he did not want his son anymore, and that he did not care about Michael. Michael, sat nearby, crying. Chuck screamed that he did not want "the little motherfucker" anymore. Michael ran inside and watched as Patty made Chuck write a letter, dated December 7, 1993, explaining that he was declining further custody. She was afraid Chuck would later accuse her of kidnapping Michael. When Joey asked what he was doing back home, Michael explained, "My dad didn't want me anymore."

"I hate myself. Everybody hates me. I wish I would die."

Around this time, Michael scrawled, "I hate myself. Everybody hates me. I wish I would die" all over his jeans and shoes.

Back at Patty's and in his old school, Mrs. Page noticed significant changes in Michael's behavior and affect. He was markedly subdued, much quieter, and did not seem happy. Mrs. Page recalled his embarrassment upon his return, and how he hung his head when the other kids asked, "I thought you went to live with your dad?" Michael just mumbled that it had not worked out. Mrs. Page remains haunted by the memory of Michael repeating over and over again, "My dad wants me" (before he left Hillsboro for Chuck's house).When Michael returned, he no longer laughed or smiled. His spark was gone, and he seemed resigned.

When Michael moved back in with Patty, she favored an odd method of discipline. Patty recalled that, to punish Michael, who was then thirteen, she would have him get on the bed on all fours with his butt in the air. Then she would hit the bed with a whiffle ball bat "to scare him." Patty recalled that, once, when she did this, Michael cried, while shaking uncontrollably.

Michael life never got any better than this time. He was thirteen years old.

AFFIDAVIT OF

I, after being duly sworn, declare under penalty of perjury, the following to be true to the best of my knowledge and belief:

My name is I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I served on the jury in Boone County, Missouri in the case of Michael Tisius. This was a sentencing hearing. We were instructed that we were to decide, based on the evidence, whether Mr. Tisius should be sentenced to death or life imprisonment. We were told that the decision as to guilt had already been made. After deliberation, the jury returned a verdict of death. On the first vote we took as a jury, I voted for a death sentence. I agreed with the final verdict that Mr. Tisius receive a death sentence at the time.

I remember that Mr. Tisius was clearly under the influence of Roy Vance, a friend who turned out not to be a friend.

I have been informed of evidence not presented at the trial that Michael Tisius, at the time of the offense, had brain damage and brain dysfunction that impacted his frontal lobes, parts of the brain that control an individual's impulses and understanding of consequences. I also learned there is additional evidence regarding an adolescent's developing brain that shows that Mr. Tisius's brain was more like that of a younger adolescent, even though he was 19, which would be late

adolescence. All of this would have added to the mental illness evidence we did have before us. I think this is mitigating evidence the jury should have heard, and it would have made a difference to me in my decision about the punishment. I think it would have affected the way I thought about Mr. Tisius's response to Roy Vance. It would be hard for someone like Mr. Tisius to resist that coercion, particularly when suffering from brain damage and mental illness. I also think that while there was premeditation for the act of helping with the escape, there was no premeditation for the shootings.

I have also learned that Mr. Tisius has had a good prison record since this trial, and that he has been making positive contributions while in prison. I believe that people can change and should get second chances.

At this time, based on what I have learned since the trial, I support the Governor commuting Mr. Tisius's sentence to life without parole. Had I known the information about his brain damage and impairments and information about adolescent brain development, coupled with the other information we knew at the time, I would not have made the same decision regarding his sentence. I would have voted for a sentence of life without parole.

Initials:

Date: 10/16/2022

I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 16th day of October, 2022.

State of Missouri)
)
) SS:
)
County of Greene)

On this 16th day of October, 2022, before me, the undersigned notary, personally appeared , personally known to me, to be the person who signed the proceeding document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

KAT
Notary
Stat
Jackso
Commission
My Commission Exp -2025

Notary Public: Kathleen J Cleary
Kathleen J. Cleary

My Commission Expires: March 24, 2025

Commission # 21979472

KATHLEEN J CL
Notary Public, Notar
State of Missouri
Jackson County
Commission # 21979472
My Commission Expires 03-24-20

Initials: _

Date: 10/16/2022

Big Brother, Father Figure, Co-Conspirator

An investigation into Roy Vance

Housed in the Big 6 cell at Randolph County jail, Michael Tisius and Roy Vance became reacquainted with each other. They'd previously met through mutual friends at a trailer park in Moberly, Missouri. Eight years his junior, Tisius fell under Vance's spell quickly. Vance — a recently escapee from Macon County jail — was moved to the Randolph County jail, which was a converted old Victorian house. At the retrial in 2010, Tisius's counsel failed to introduce evidence supporting a statutory mitigator for Mr. Tisius: that he was under the substantial domination of Roy Vance. These are direct quotes from those involved, and an expert, pinpointing the unfortunate dynamics of the relationship.

"It was clear from the moment I met Michael that Roy 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. Roy manipulated Michael. He knew that Michael was looking for love. He knew Michael was looking for a father figure. Roy got to know Michael and then brainwashed him. Roy got the kid to open up and he became what Mike needed. The way Mike talked about Roy – he idolized him. The same way a kid would with their dad. I've had time now to reflect on everything that happened. Roy was smart. He didn't pick Michael by accident. He chose him because he was easy to manipulate. It was Roy's goal to get into that kid's head."

-Tracie Bulington, Vance's ex-girlfriend, co-conspirator

"Mr. Tisius has an increased vulnerability to being groomed, which was observed throughout his life. It is evident in his relationship with his mother, who used him as a pawn for her own personal gain, and his brother, who used him to engage in criminal behaviors for his brother's profit. Grooming is the linchpin behavior in the offenses for which he is currently sentenced to death. As noted by the MMPI-2, "individuals with passive, unasserting lifestyle are often unable to assert themselves appropriately and are frequently taken advantage of by others."

-Dr. George Woods, neuropychiatrist

Vance "was in control" of the jail, manipulated Tisius.

-James Foote, Big6 Cellmate

"I have never spoken to any of Michael Tisius's prior lawyers. I am speaking now to clear my conscious."

-Roy Vance

"It was my idea; he wouldn't have thought of it."

-Roy Vance

"Mike freaked out; it wasn't supposed to be a shooting."

-Roy Vance

"I manipulated Mike for my own benefit and if it weren't for me and Tracie, Michael wouldn't have done this. He was just a kid. This is my fault. It only happened because of me."

-Roy Vance

"Michael was childlike. I didn't even expect him to come."

-Roy Vance

"Mike came in on a minor charge. He looked childlike. He was physically small and acted younger than his actual age. There was also a kid there that was younger than Mike, but even he was more mature than Mike was."

-Roy Vance

"Vance "played games with people to get what he wanted. If he wanted it he would get it. He didn't give a fuck." Tisius and Vance relationship was "weird," Tisius was "glued" to Vance."

-Thomas Antle, Big6 Cellmate

"Vance was "pretty well settled in [prison culture]," acted like an alpha dog over pack animals."

-Derek Freese, in jail w/Vance at Macon & Randolph Co.

When he arrived, "Roy already had him — there was nothing I could do. Roy had a way with words. Roy was very organized. Roy programmed Mike."

-Gerardo Arteaga, Big 5 Cellmate, Tisius' ex-coworker

AFFIDAVIT OF

states under oath as follows:

My name is , I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I served on the jury in Boone County, Missouri in the case of Michael Tisius. This was a hearing. We were instructed that we were to decide, based on the evidence, whether Mr. Tisius should be sentenced to death or life imprisonment. We were told that the decision as to guilt had already been made. After deliberation, the jury returned a verdict of death. I agreed with that decision at the time.

At this time, based on what I have learned since the trial, I would not object if Mr. Tisius's sentence were reduced to life without parole.

I worked at a law firm for several years prior to serving on this case. Also, I had taken some legal classes. It was my impression that Mr. Tisius's attorneys did not do much to refute the state's case. I've seen good lawyers before, and I did not feel Mr. Tisius's lawyers were aggressive. They seemed passive. The good lawyers I've seen are proactive.

Additionally, my husband served in the Korean War, and I'm familiar with the effects of PTSD and trauma on the brain. From my experience, I can say that PTSD is a very real thing with real consequences. I think that a bad childhood can cause PTSD in someone. I don't believe any evidence of brain damage was presented

at Michael Tisius's trial. I think that is mitigating evidence the jury should have heard.

While I do not think Mr. Tisius's age should excuse his conduct, I think brain evidence regarding his adolescent brain prior to the incident should have been introduced. We should have heard that evidence. The combination of his brain-related trauma and brain-related adolescent mind would have made a difference to me in my decision about the punishment.

I have also learned that Mr. Tisius has had a good prison record since this trial, and that he has been making positive contributions while in prison. I believe that people can change, and should get second chances under certain circumstances.

Subscribed and sworn to before me on (date): March 8, 2023

SARAH K TOPOLSKI
Notary Public, Notary Seal
State of Missouri
Clay County
Commission # 18592187
My Commission Expires 12-02-2026

Sarah K Topolski
NOTARY PUBLIC

Michael's Body Kept the Score

Medical experts document that Michael's early life of physical and emotional trauma has taken a toll on his brain. This does not excuse bad conduct, but it explains the ways in which good decision making was hard for him.

Michael's legal team has spent countless hours working with world-renowned medical experts. Doubt can be raised because these people might be biased, because they were retained. But, no professional would risk their entire career on one opinion, the personal and professional cost is too high.

The opinions work together, individually and collectively, to tell how each expert's own area of expertise relates to all of the other opinions. They are like a series of dominoes: if one falls, the whole lot does. Michael's team stands by these opinions as serious, intelligent and illuminating.

The original three experts were trauma expert Dr. Paula Lundberg-Love, who sadly passed to cancer in 2020, neuropsychologist Dr. Dale Watson and neuropsychiatrist Dr. George Woods.

Dr. Watson performed a broad battery of tests over three days, totaling over 14 hours, at Potosi Correctional Center on Michael. Dr. Woods met with him for several days. Dr. Woods administered some tests, fewer than Dr. Watson, but more targeted. Dr. Lundberg-Love came in, like a therapist, and spent time getting to know and understand the unique perspective of a little boy whose mom ignored him and served cold hot dogs for nutrition and a dad who left him crying on the front porch time and again after reneging on the promise to pick up his boy.

Dr. Watson's testing — which included tests for faking— revealed that while Michael tests as basically average, or slightly below average, academically, he has deficits in his brain that make it very hard for him to remember things. Additionally, he exhibits repetitive physical tics on one side of his body and a stuttering problem. Both of these independent factors may not seem like much, but collectively they lend strong support that Michael's deficits "implicat[e] deep brain structures associated with frontal-striatal and temporal lobe functions." This is the part of your brain that plans things. Dr. Watson's testing also revealed that while Michael can understand words, he struggles to remember them and use them abstractly. That is strong evidence that his brain struggles to think and problem solve. His testing indicated he's in the 5th percentile in this area, so that means 95% of average Americans can do this better than Michael.

Dr. Woods' testing — which did not repeat Dr. Watson's battery but built upon it with targeted tests — harmonized and furthered Dr. Watson's conclusions. In a sense, Dr. Watson walked so Dr. Woods could run. Dr. Watson's objective, directed analysis revealed a series of deficits in

"Dr. Watson's neuropsychological testing corroborates the frontal-temporal-striatal deficits that characterized Mr. Tisius' cognitive deficits. Like a toxic stream running through relatively healthy land, Mr. Tisius' frontal temporal striatal poisons much of his healthy cognitive functioning, rendering it vulnerable to impaired functioning, especially in new, novel, and stressful circumstance."

- Dr. George Woods.

Michael. Dr. Woods applied those deficits to (a) Michael's life and (b) Michael's crime.

The objective findings of Dr. Watson had unique application to Michael, Dr. Woods found. For instance, deliberation is required for first degree murder. Michael's brain struggles to plan. Also, from all reports, the plan was to break Roy Vance out of jail, not kill anyone. Specifically, Michael was to force the guards — who Roy Vance specifically chose because he felt they were docile — into a jail cell, secure the door, free Vance and leave. But that required talking. Michael admits in the moment, he just froze, he couldn't speak, and in a panic, fired the gun. Dr. Woods saw a meaningful connection between Michael's test results showing inabilities to plan and to utilize language, especially in high pressure situations, and the unique facts of this case.

Dr. Woods gave a highly specific test to Michael:

"I administered the Barkley Deficits in Executive Functioning Scale to Mr. Tisius. The BDEFS focuses on five domains: Self-management of time, self-organization/problem solving, self-restraint, self-motivation, and self-regulation. Mr. Tisius's scores ranged in the 90th percentile in self-management of time, to the 99th percentile in self-organization/problem solving. The higher the score, the greater potential for impairment in real world functioning. These deficits in ecologically valid, day to day functioning are corroborated throughout Mr. Tisius's social history, in spite of average academic functioning, capturing the important difference between academic functioning and brain functioning."

Only 1 percent of people perform worse than Michael on self-organization/problem solving. He put himself in a high stress role. He was supposed to act quickly and decisively. His brain was uniquely unqualified.

The next logical question is: why would Michael put himself in that situation in the first place? The answer to that is Roy Vance. Dr. Woods found that Michael's life history of being neglected by his mom, beaten mercilessly and unrelentingly by his brother, abused and abandoned by his father, made Michel ripe for grooming. Additionally, his mental deficits render Michael gullible. This is a poor combination to deal with Roy's manipulation, he is both primed to be "chosen" and primed to fall for Roy's con.

Dr. Lundberg-Love found, simply, that Michael was a victim of abuse and neglect. Most people are familiar with these terms, and certainly many children in the United States, unfortunately, are put through these things. But there are two important conclusions that Dr. Lungberg-Love drew: (1) Michael has a quite high ACEs score, and (2) traumatic childhoods actually change the physical makeup of a person's brain.

ACEs stand for Adverse Childhood Experiences. A far-ranging study conducted by the pharmaceutical giant Kaiser Permanente in 1995 sought to define how childhood abuse and neglect affect later-life health and wellbeing. They identified seven objective criteria initially, which today have expanded to these ten: (1) emotional abuse (2) physical abuse (3) sexual abuse (4) emotional neglect (5) physical neglect (6) mother treated violently in-house (7) substance abuse in-house (8) mental illness in-house (9) parental divorce/separation and (10) incarcerated household member. The conclusion is unsurprising: the more ACEs you have, the harder your life. High ACE scores are synonymous with health problems (from depression to cancer), increased high risk behaviors (substance abuse and promiscuity), and socioeconomic challenges (lack of health insurance and unemployment). Michael was exposed to 6 of 10 ACEs. Almost 1/2 of Americans score a zero, and less than 5% score a 6 or higher.

"When he has flashbacks or relives the events of the killings, he feels "very horrible," they make him want to vomit, he reacts by hitting himself, and he's unable to push these thoughts away from his awareness. His only way to deal with these is to compartmentalize them for a while. He can't shake the negative feelings even when alone at night. He also responds by sending emails to [his friend] and praying"

-Dr. Stephen Peterson

Second, trauma — objectively measured by ACEs — actually changes your brain. Dr. Lundberg-Love stated:

"An emerging body of research shows that chronic, traumatic exposure is also linked to changes in the brain's chemistry, structure and function. Traumatic experience produces such a strong and overwhelming fight-or-flight response that it compromises certain regulatory effects of the brain which have negative long-term biological consequences. Chronic danger, or its perception, produces chronic activation of what was likely intended as a rapid response system, and the long-term consequences of these reactions can be damaging."

Your brain actually changes. Dr. Woods built on Dr. Lundberg-Love's work as well and diagnosed Michael with PTSD based on "the profound, chronic trauma [Michael suffered] through his childhood."

One of the experts Michael's prior team hired was rehired by us. Dr. Stephen Peterson had evaluated Michael twice before in 2003 and 2012. When he evaluated him again late last year, he saw a different person: he saw a matured adult. These are quotes from his report:

"Michael . . . has made a successful transition to nonviolent living within Missouri DOC. Michael has made an excellent institutional adjustment.

Though Michael Tisius doesn't feel mature, he has matured, and continues to show promise for ongoing personal growth. The maturing process . . . was evident during three evaluations . . . spanning twenty years of assessments.

Michael Tisius has come to grips with the gravity of his offense and is living a peaceful life. He has learned self-control, has empathy for others, shows empathy for the men he killed, is no longer impulsive, and is seeking to make the best life he can in his current situation."

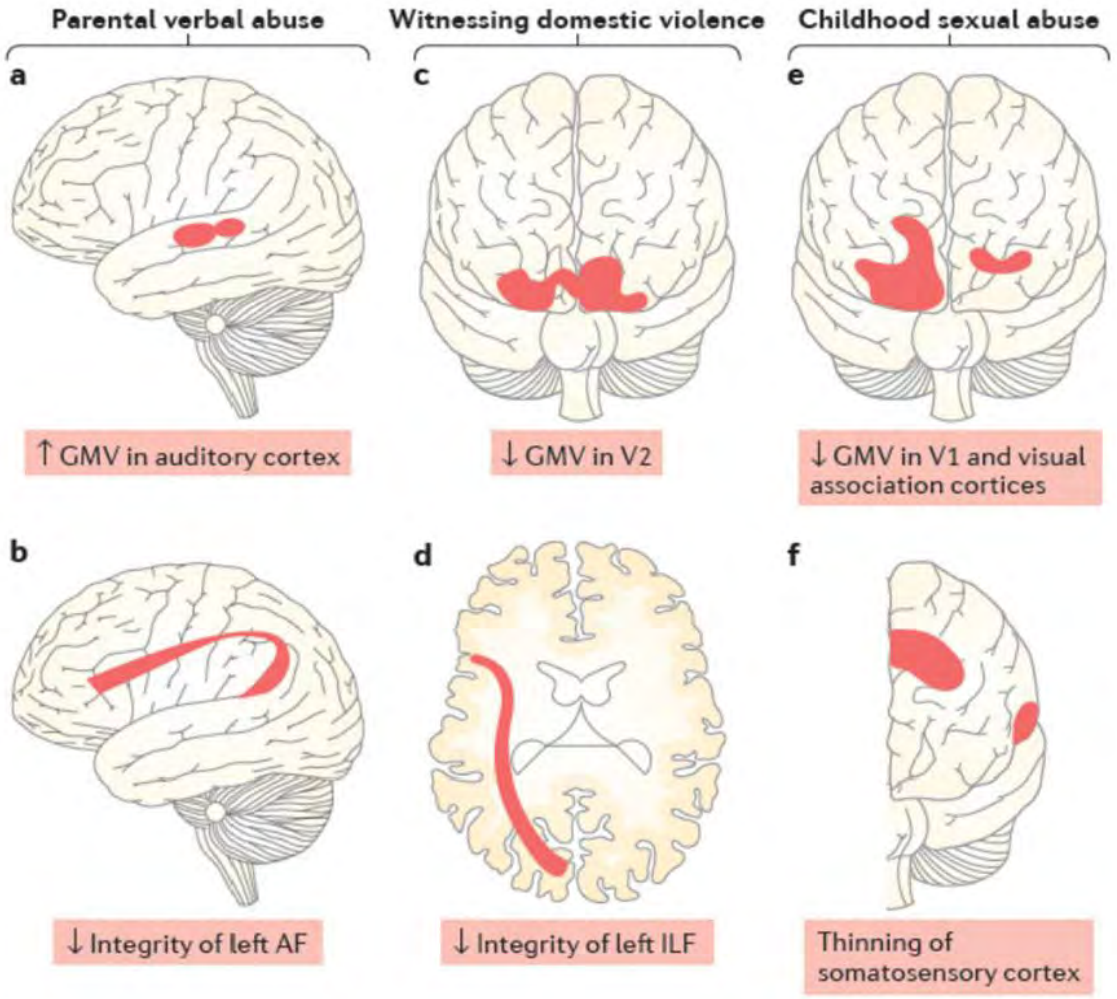


Figure 6.

Dr. Erin Bigler referred to Dr. Peterson's twenty year analysis of Michael as "one of the most powerful research methods when studying human beings."

Dr. Laurence Steinberg evaluated Michael early this year as well, and wrote a lengthy report about contemporary medical consensus, thanks in large part to advances in MRI imaging, that definitely show brains continue to develop into people's mid-twenties. The report is long and detailed, but to summarize, he stated, "the psychological and neurobiological immaturity I described in this report as characteristic of average adolescents was likely exacerbated by the environmental conditions to which Mr. Tisius was exposed throughout his childhood."

Dr. Bigler's report also analyzed factors surrounding Michael's immature brain. His report is easier to read, and summarized much of this work. It includes many helpful images showing where and how the brain is affected by the trauma that Dr. Lundberg-Love identified. Another major breakthrough of MRI imaging is shown in the image labeled "Figure 6." Through imaging, doctors can now show you exactly where each traumatic event affects your brain. Dr. Bigler and Dr. Steinberg both agree: Michael did not have an adult brain when he killed Mr. Acton and Mr. Egley. He had a child's mind.

We also worked with Dr. Siddhartha Nadkarni, a neurologist who specializes in epilepsy. Epilepsy, a brain disorder that's known by the unplanned and unprovoked seizures it causes, was something Dr. Watson found Michael suffered from. During Dr. Watson's observations and confirmatory testing, Michael's repetitive tics were linked to his damaged brain. Dr. Nadkarni found that Michael's brother's violent assaults caused "several concussions with alternation in neural function, too numerous to count." Multiple witnesses saw Joey beat Michael to the point of unconsciousness more than once. Michael reports more occurred behind closed doors, including one time with a homemade whiffle ball bat that had the top cut off, rocks stuffed inside, and then duct taped. Dr. Nadkarni agreed with Dr. Watson's findings: Michael suffers from epilepsy. He had never been diagnosed, nor treated. He has unprovoked seizures. Dr. Nadkarni also noted that many of epilepsy's symptoms were present prior to and during Michael's murder of Mr. Acton and Mr. Egley, including: disassociation, smelling things that aren't there, and loss of time. Dr. Nadkarni added, "In a state of active seizure, it is impossible to access parts of the brain that are important for judgment and appropriate behavior."

Lastly, we want to express our thanks for allowing Dr. Specht to test Michael for lead levels. It confirmed what we long suspected: Michael has 7 times the amount of lead in his system than a regular, average American. There's a page earlier explaining lead and its long-known deleterious effects. Dr. Richard Shaw took Dr. Specht's testing — along with all of the prior research conducted by our experts — and concluded that while Michael's childhood trauma/neglect/head injuries contributed to his damaged brain, so too did lead. Michael's mental deficits "are consistent with . . . an individual who has had *significant* childhood lead exposure." All of those peculiar outliers Dr. Watson's testing revealed is what happens when a kid is chronically exposed to lead, including: mental processing speed problems, lack of language/verbal/visual memory, motor skill issues, and poor executive functioning. Also, Michael's strange inability to identify smells is another telltale sign of lead exposure. Sadly, all of this was reversible, if Michael's mom had gotten him adequate medical care.

"The severity, chronicity, and pervasiveness of Michael Tisius's childhood neglect, abuse, and deprivation are extreme…these experiences have profoundly affected and shaped virtually every aspect of Michael's development and his adolescent functioning"

-Dr. Matthew Mendel

AFFIDAVIT OF

I, , after being duly sworn, declare under penalty of perjury the following to be true to the best of my knowledge and belief:

My name is I am over the age of 18 years and fully competent to make this affidavit.

In July of 2010, I was a juror in the Michael Tisius case in Boone County, Missouri. This case was a resentencing case. Our decision was whether Mr. Tisius should receive a death sentence or life without parole (LWOP).

When I served on this jury, I was in my early 20s and fresh out of the military.

Before being a juror on this case, I ~~had no frame of reference for the death penalty~~, other ~~than that~~ I knew it should be imposed only in extreme circumstances. The Court did a good job of explaining when the death penalty can be imposed. I understood that the death penalty is never guaranteed or required. There were several circumstances potentially qualifying this case for the death penalty, and two that I recall were that the offense was premeditated and had law enforcement victims.

I recall that there wasn't a lot of defense against the reasons supporting the death penalty. It was just that he was easily influenced and led. I ~~knew people like that, and because~~ this didn't seem like the first time Mr. Tisius had been led, I could see how that was a factor in the case. But my understanding was that the

Initials: ____ Date: 10/24/22

offense was different because it was all Mr. Tisius's idea. It would have helped me to know that Roy Vance did plan it. I didn't know that Roy was facing a sentence for a prior escape attempt. I would have wanted to know that and what other inmates had said about Mr. Tisius being influenced by Roy.

I recall that the mental health testimony was very bland and not very unusual. If Mr. Tisius had had a full psych evaluation showing that Mr. Tisius's ability to refrain from doing wrong was substantially impaired, I definitely would have considered that. If this evidence established additional mitigating circumstances to weigh against the reasons for death, I certainly would have considered those.

If the governor commuted Mr. Tisius's sentence to LWOP, it would not bother me or upset me, particularly if such a decision was based on the governor's consideration of new mitigating circumstances that the jury did not get a chance to consider.

Initials: _____.

Date: 10/24/22

I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 24th day of October 2022.

State of Missouri)
)
) SS:
)
County of Greene)

On this 24th day of October 2022, before me, the undersigned notary, personally appeared , known to me to be the person who signed the proceeding document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public: Julie Taylor

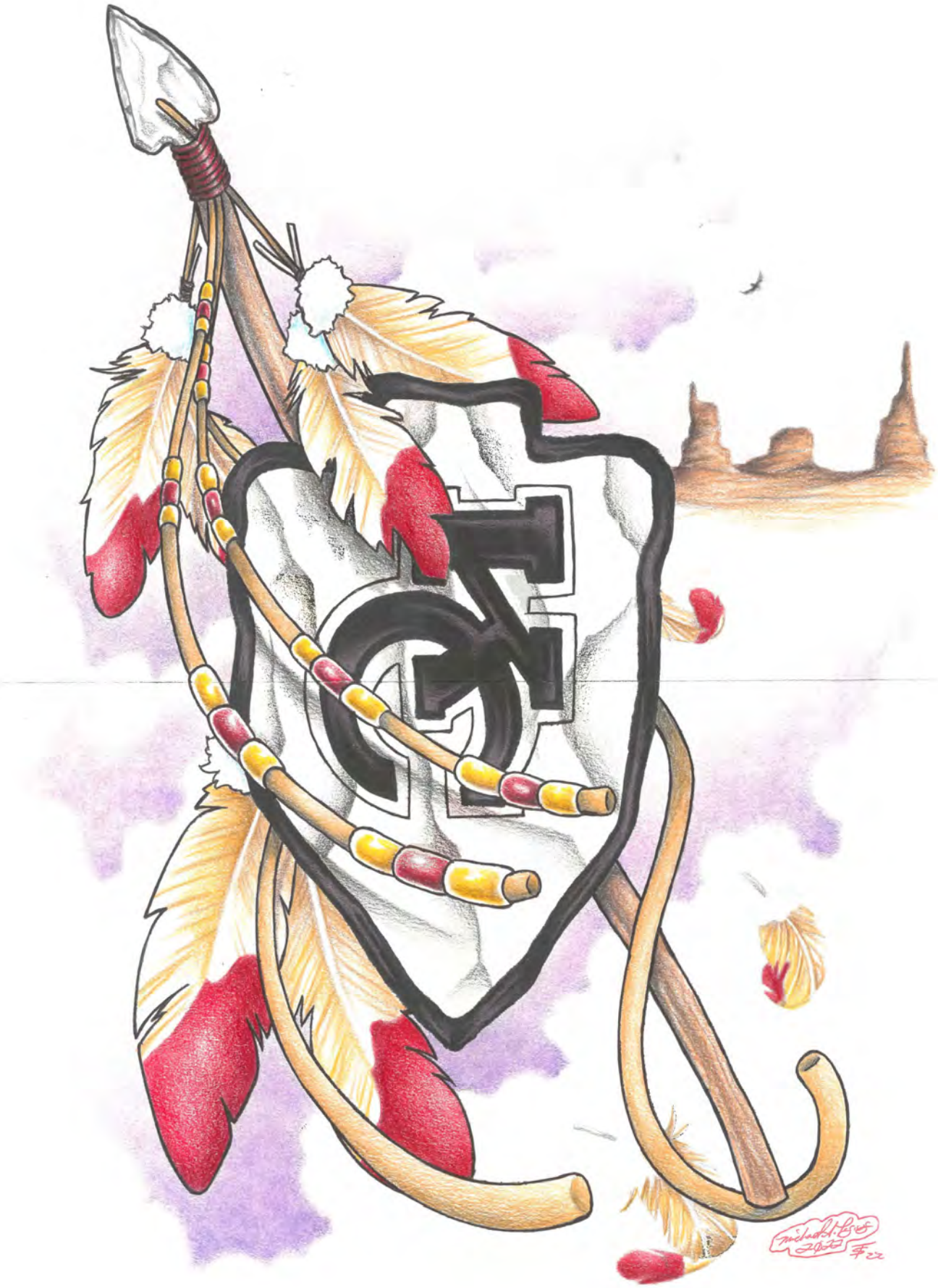
JULIE TAYLOR
Notary Public - Notary Seal
Cass County - State of Missouri
Commission Number 22703836
My Commission Expires May 19, 2026

My Commission Expires: May 19, 2026

Commission # 22703836

Initials: _

Date: 10/24/22



Michael Tisius respectfully requests that you grant him commutation of his sentences of death to sentences of life imprisonment without parole.

Respectfully Submitted,

/s/ Elizabeth Unger Carlyle

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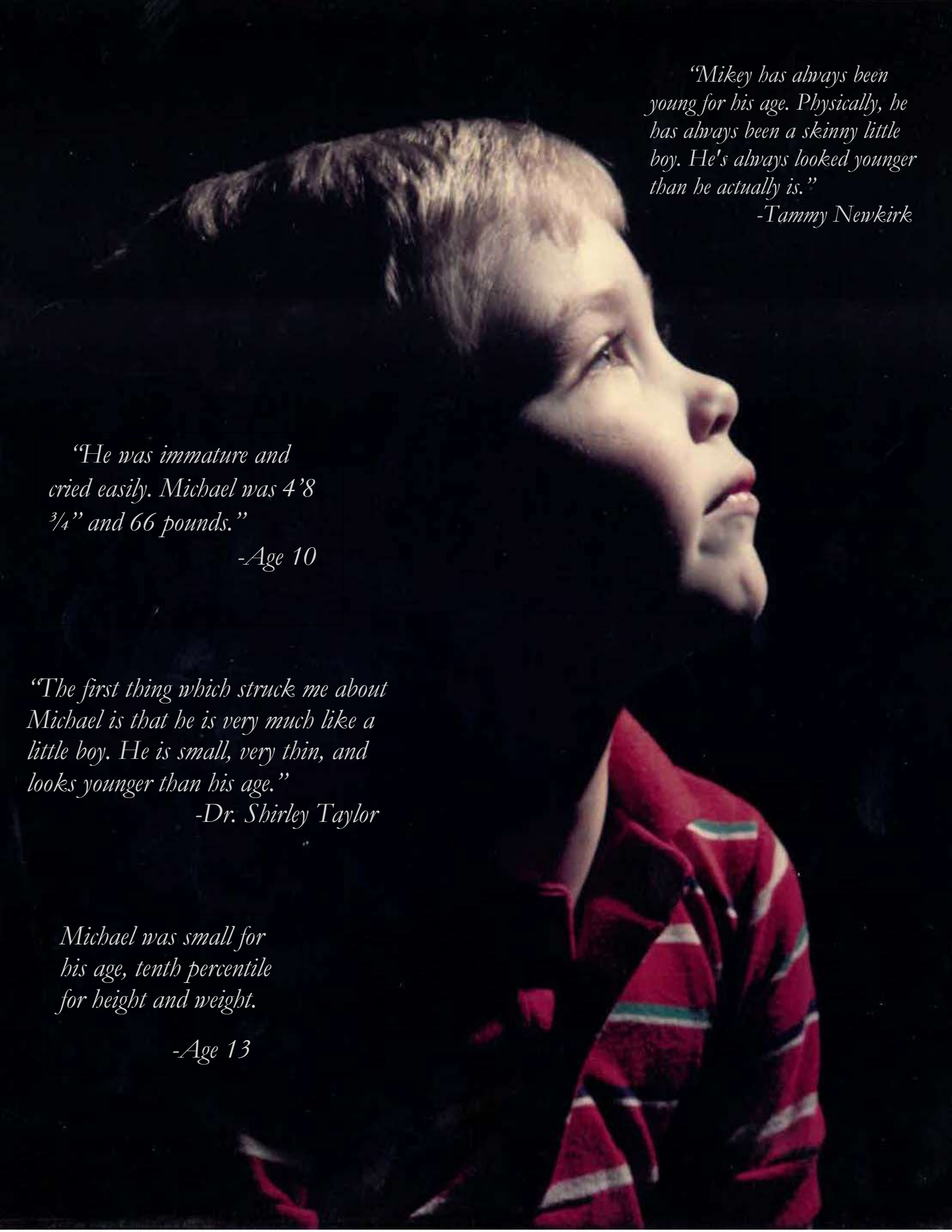
ATTORNEYS FOR MICHAEL TISIUS



"Mikey has always been young for his age. Physically, he has always been a skinny little boy. He's always looked younger than he actually is."

-Tammy Newkirk

"He was immature and cried easily. Michael was 4'8 ¾" and 66 pounds."

-Age 10

"The first thing which struck me about Michael is that he is very much like a little boy. He is small, very thin, and looks younger than his age."

-Dr. Shirley Taylor

Michael was small for his age, tenth percentile for height and weight.

-Age 13