

Missouri executes third inmate this year despite widespread calls for clemency

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The state of Missouri carried out its third execution of a prisoner this year Tuesday night amid widespread calls for clemency. Michael Tisius, 42, was executed for the murder of two jail guards during a failed jailbreak attempt 23 years ago when he was just 19 years old.

Missouri Governor Mike Parsons, a Republican, said before the execution that “Missouri’s judicial system provided Mr. Tisius with due process and fair proceedings for his brutal murders of two Randolph County jail guards. ... The state of Missouri will carry out Mr. Tisius’s sentences according to the Court’s order and deliver justice.”

Tisius confessed to the killing of two county jail guards, Jason Acton and Leon Egley. At the age of 19, Tisius was held on a misdemeanor 30-day charge of violating probation in the same jail as another inmate, Roy Vance. Vance, then 27, knew Tisius through a mutual friend and described him as “young and easily manipulated.” Facing a 50-year sentence, Vance convinced Tisius to help in the escape.

Court records indicate that Vance planned for Tisius to return to the jail once he was released to try and break him out of jail. During the jailbreak attempt with Vance’s girlfriend, Tisius shot and killed the two guards before freeing Vance. The two fled but their car broke down near Wathena, Kansas, and they were eventually apprehended by police.

Tisius’ defense team released a video last week in which Vance, who is serving a life sentence for murder, claimed that he planned the escape and manipulated Tisius into participating, saying he was “a kid in a grown man’s body, and I knew I could manipulate him into what I wanted him to do.”

His defense had argued that Tisius should be spared the death penalty, with his sentence reduced to life in

prison without parole. The defense attorneys argued that he was not the mastermind behind the jail break and that the murders were not premeditated, because the initial plan was to order the guards to open the cell, not kill them. They have also drawn attention to Tisius’ youth, noting that he was neglected as a child and homeless in his early teens, causing mental health issues. According to the defense petition, he was beaten by his brother and unwanted by his parents, causing mental distress.

Notable in the campaign to commute Tisius’ execution were the calls by several jurors, who had convicted him, for his life to be spared. Six jurors and two alternates recently issued sworn affidavits supporting commuting Tisius’ sentence, with juror Jason Smith saying, “I feel angry and remorseful. I feel that I wronged Michael. I hated having a part in somebody dying.”

Another juror said that he was unable to read English at the time of the trial, which is illegal under Missouri law.

A federal court stayed Tisius’ execution based on these arguments, but an appeals court overruled that decision last week, placing Tisius back on schedule for execution. On Monday the US Supreme Court denied a request to stay the execution.

Tisius had an original death sentence stayed to review claims that evidence had been improperly presented. During a second sentencing trial, Tisius was assigned two attorneys under a fixed fee of \$10,000. The American Bar Association has frequently criticized the use of fixed fees for death sentence cases because they incentivize defense lawyers to minimize the amount of time they spend on the case to maximize the monetary value from it. The Missouri State Public Defender office no longer offers fixed fees for death sentence

trials for this reason.

Writing in favor of clemency for Tisius, Missouri State Public Defender office director Mary Fox argued, “The affidavits from jurors included in Michael Tisius’ clemency petition demonstrate that if resentencing counsel had provided the resentencing jurors with the available mitigation evidence; which had been presented at a prior hearing in which Michael Tisius did not have flat fee counsel and which resulted in the new sentencing hearing; that a life without probation or parole sentence could have been returned.”

The Supreme Court has previously ruled that people cannot be executed for crimes they committed when they were under the age of 18. Since Tisius was 19 at the time of the crime, he was sentenced to death. But Tisius’ attorneys have argued that modern research shows that human brains do not complete forming until later in life and that the minimum age for executions should be raised to 21. Thirty-four states have banned the death penalty for people under the age of 21.

The efforts of Tisius’ defense brought wide support for his commutation. Groups from the American Bar Association and NAACP, to the European Union and even the Vatican issued calls for the death penalty to be lifted.

Tisius had repeatedly expressed remorse for his actions, declaring in a statement after his arrest, “I know what I have done was wrong and will never be fixed.” He continued that “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.”

Psychiatrist Stephen Peterson evaluated Tisius in 2003, 2012 and 2022 and concluded that Tisius “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.”

Despite the evidence that his sentencing had been mishandled and that he was manipulated into committing the murders, Governor Mike Parsons rejected calls for clemency. At 6:10 p.m. local time Tuesday night, Tisius was pronounced dead after execution by lethal injection.

Before his execution, Tisius issued a final statement of remorse: “I am holding tightly to my faith. It’s all I have to take with me. I am sorry it had to come to this in this way. I wish I could have made things right while

I was still here. I really did try to become a better man. I really tried hard to give as much as I could to as many as I could. I tried to forgive others as I wish to be forgiven. And I pray that God will forgive those who condemn me. Just as He forgave those who condemned Him. I am sorry. And not because I am at the end. But because I truly am sorry. And I need to say that I love you Truffle. Seacrest Out!”



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