

February, 2015

Honorable Jay Nixon, Governor
Room 216
State Capitol Building
Jefferson City, Missouri

RE: Clemency for Walter Timothy Storey

Dear Governor Nixon,

On February 11, 2015, the state of Missouri is set to carry out the execution of Walter Timothy Storey. We, the undersigned civic and religious leaders, ask you to halt the execution of Mr. Storey and call for a Board of Inquiry to examine the claims raised in this letter. We further request that you inform us when this letter is referred to the Board of Probation and Parole pursuant to Section 217.800, RSMo.

Mr. Storey was convicted of the 1990 murder of Jill Frey in her apartment in St. Charles county.

Because of prosecutorial misconduct, ineffective defense counsel, and procedural error in earlier court proceedings, Mr. Storey received three sentencing hearings. None of the three juries could possibly have received a complete picture of who Tim Storey is. The evidence is available, however, and it makes a compelling argument for why he should be granted clemency.

In considering clemency for Mr. Storey, we urge you to consider his traumatic childhood that was filled with physical and sexual abuse, neglect, abandonment and isolation. Neglected by his biological father, who was in prison at the time of his birth, Storey's mother was involved in a series of abusive relationships throughout his childhood. Probably the greatest abuser was Carroll Storey, Tim's step father and the man Tim considered to be his father. The abuse began when Tim Storey was just an infant.

Due in large part to his mother's alcohol consumption during her pregnancy, Storey was a colicky and hyperactive infant. Family members note that Carroll Storey would tie Tim to the bed, tape his mouth, and even sit him outside in a bed of fire ants. Carroll Storey did all these things before Tim was one year old. As Storey grew older members of the family recall seeing welts and bruises on him that were inflicted by either Carroll Storey or his mother's boyfriends.

Drugs and alcohol were commonly used by the adults in the house, exposing Tim Storey to them at an early age. He was often encouraged by the adults in the household to use these substances. Alcohol also often fueled the violence against Tim.

The family moved often and Tim attended many schools. Despite his chaotic home life, his teachers found him to be a kind and polite boy who didn't cause trouble. He was involved in sports, but his family never came to his games. His coaches and teachers were often

the ones that showed him the affection that he lacked at home. However, their efforts of kindness were often rejected by the family. Tim Storey left school in the 11th grade.

As a young man, Tim's employers described him as a hard worker with a good work record. Unfortunately he sustained a head and neck injury in a work related truck accident. Following this accident he experienced headaches, dizziness and passing out episodes which made it difficult for him to find work. He soon found himself in a failing marriage and he was drinking. On the day of the murder Tim Storey was served with divorce papers.

Later mental health evaluations determined that the years of abuse had taken a toll on him, and that at the time of the crime he was likely suffering from post-traumatic stress disorder and alcohol/drug dependence. There is even some suggestion that he was acting under the influence of extreme mental or emotional disturbance impacted by the pending divorce. One mental health expert concluded that when the crime was committed, Tim Storey had "diminished capacity" and that his ability to "coolly reflect" was "significantly impaired."

When the Supreme Court re-instated the death penalty, it was intended for the "worst of the worst". Mr. Storey hardly fits that category. At his first re-sentencing hearing, Mr. Aiken, an expert in the field of corrections and criminal justice, testified about Storey's non-violent prison record. He testified that Mr. Storey (who had already been in prison for several years) "can be safely housed and incarcerated in a correctional facility such as Potosi for the remainder of his life without presenting a risk of harm to inmates, staff or the community."

Judy Robart, Tim Storey's boss at the Potosi Correctional Center library, also testified at the re-sentencing hearing, that Storey had worked in the library with her for a year and that he was not a problem and got along well with her and the other inmates.

Through the years, Mr. Storey has proved himself a model prisoner at Potosi Correctional Center. He has held jobs of responsibility, including being a trainer in the Puppies for Parole program where he has successfully trained two dogs. He has been heavily involved in the prison restorative justice program and has been handpicked by the prison staff to speak to outsiders who visit the prison. He is a spiritual person who was instrumental in the development at the prison of a "sweat lodge," a place where Native Americans can observe their spiritual practices.

The death of Jill Frey was an unnecessary act of senseless violence. Our thoughts and prayers are with her family at this difficult time. However, no punishment will restore her to her loved ones. Furthermore, Mr. Storey would not be a threat to society or the citizens of Missouri if his sentence were commuted to life without parole.

As civic and religious leaders, we are concerned that the use of the death penalty neither protects nor heals our communities, but rather promotes vengeance and continues the cycle of violence.

We are also deeply concerned about the accelerated rate at which the state is carrying out these executions (twelve in the last 15 months) and the secrecy shrouding this process.

The death sentences that the Missouri Supreme Court is now ordering executed reflect jury behavior of past generations rather than what death-qualified juries and elected prosecutors are doing today.

We appeal to you as Governor of the state to take a stand for life, healing, mercy and justice and convene an independent Board of Inquiry to examine the appropriateness of Mr. Storey's death sentence in light of his rehabilitation efforts, or as an alternative, commute Walter Timothy Storey's sentence to life without parole.

Respectfully submitted,

Tyler McClay
General Counsel
Missouri Catholic Conference