

March 13, 2024

The Honorable Michael L. Parson, Governor
State of Missouri
Post Office Box 720
Jefferson City, MO 65102

Dear Governor Parson:

We are writing as representatives of a group of leading national mental health organizations to request clemency for Brian J. Dorsey, who is scheduled for execution on April 9, 2024. We base our request on concerns that Mr. Dorsey's severely impaired mental status at the time of his crime was never raised or considered by the trial court in the plea agreement that resulted in his death sentence.

Brian Dorsey had no history of violence prior to the crime which tragically took the lives of two members of his family in 2006. As a youth and young adult, Mr. Dorsey had a documented history of severe, chronic depression that resulted in several hospitalizations and attempts to take his own life. His symptoms were not alleviated or reduced by anti-depressant medications prescribed to him. He began self-medicating with alcohol and crack cocaine.

Mr. Dorsey was represented by two private attorneys assigned by the Missouri State Public Defenders Office. At the time, Missouri paid assigned attorneys a flat fee whether or not cases went to trial. His attorneys convinced Mr. Dorsey to accept a plea in which he pled guilty to first degree murder, a capital offense. His lawyers apparently conducted no background investigation, nor did they complete an expert evaluation of their client's psychiatric condition or capacity to form the intent requisite of first-degree murder.

A subsequent evaluation revealed that Mr. Dorsey was very likely experiencing substance-induced psychosis at the time of the crime. Psychosis due to the use or withdrawal from drugs and/or alcohol is quite common and is included as a diagnosis in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V). Substance induced psychosis is characterized by symptoms such as delusions, hallucinations, paranoia, and irrational thinking (loss of touch with reality).¹ The psychological expert who finally reviewed Mr. Dorsey's case concluded that his mental health status was likely so impaired at the time of the crime that he would not have been capable of engaging in pre-meditation or forming the intent necessary for a conviction of first-degree murder. However, by then, it was too late for Mr. Dorsey to change his plea.

¹ A. Fiorentini, F. Cantu, et. al., "Substance Induced Psychosis: An Updated Literature Review," *Frontiers in Psychiatry*, 2021: 12: 694683, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8732862/pdf/fpsy-12-694683.pdf>.

Since his conviction, Mr. Dorsey has been a model prisoner on death row. He has not committed a single violation in over 17 years, quite remarkable in the frequently toxic environment of death row. He is held in high esteem by correctional staff who have supervised him on a daily basis, illustrated by the fact that a number of these individuals, including the former warden of Potosi Correctional Center, have submitted letters in support of clemency. It is clear that Mr. Dorsey is not a violent, habitual criminal but rather a decent and respectful, generally law-abiding person who committed a horrific crime while in the throes of a psychotic episode caused by his drug abuse.

Mr. Dorsey's death sentence should be commuted to life without parole for the following reasons.

1. **The impact of Mr. Dorsey's severe psychiatric symptoms at the time of the crime was never entered into the record by his attorneys in mitigation against the charges of first-degree murder.** Medical experts who reviewed his case believe that the combination of withdrawal from crack cocaine, extreme alcohol intoxication, major depression and sleep deprivation resulted in a drug-induced psychosis and alcohol-induced blackout. People suffering from psychosis typically experience delusions, hallucinations, extreme paranoia and irrational thinking. Had this evidence been presented, it would have raised serious questions whether Mr. Dorsey was capable of engaging in the deliberation or forming the intent required of a conviction of first-degree murder.
2. **Mr. Dorsey's representation by his defense attorneys was egregiously inadequate.** The flat fee arrangements under which these attorneys were paid were significantly less than required in capital cases and created incentives for these attorneys to settle the case prematurely without engaging in the investigation and advocacy required for complex cases of this nature. In recognition of these concerns, American Bar Association guidelines and the laws of states such as Kansas and Arizona bar flat fee arrangements in capital cases and the Missouri State Public Defender no longer assigns capital cases to contract attorneys for flat fees.

Serious questions also exist whether Brian Dorsey fully understood the consequences of pleading guilty to first degree murder, including that this plea carried with it the possibility of the death penalty. It is well established in law that a guilty plea by a defendant in a capital case must be entered knowingly, voluntarily, and understandingly. The determination that a defendant fully understands the consequences of his or her plea is particularly important with defendants whose rational thinking or cognition may be impaired at the time of the plea.

3. **Mr. Dorsey had no history of violence prior to his crime and has been a model inmate during the entire period of his long incarceration on death row.** As stated above, his record while incarcerated has been exemplary, with no disciplinary violations. Remarkably, the esteem in which Mr. Dorsey is held is exemplified by the letters of support for clemency

from current and former correctional staff, including the warden of Potosi. It is clear that Mr. Dorsey poses no risk to staff or other inmates in a correctional setting.

The crime which resulted in the death of two of Brian Dorsey's family members was tragic and Mr. Dorsey lives daily with the remorse he feels for these crimes, committed at a time in which he was not in a rational state of mind. However, executing Mr. Dorsey will serve no useful purpose, a fact that has been recognized by numerous family members, including relatives of the victims. We therefore respectfully request that you commute his death sentence to life without parole.

Sincerely,

Inseparable

Mental Health America

National Alliance on Mental Illness (NAMI)

Treatment Advocacy Center