

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
02/24/2020  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. PERVIS T. PAYNE**

**Criminal Court for Shelby County  
Nos. 87-04409 and 87-04410**

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**No. M1988-00096-SC-DPE-DD**

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**ORDER**

On September 20, 2019, the State filed a motion to set an execution date for Pervis T. Payne, asserting that Mr. Payne has completed the standard three-tier appeals process and that an execution date should be set in accordance with Tenn. S. Ct. R. 12(4)(A).

On December 30, 2019, Mr. Payne filed a response opposing the State's motion and asking the Court to issue a certificate of commutation under Tennessee Code Annotated section 40-27-106. As grounds for opposition to the motion and for the issuance of a certificate of commutation, Mr. Payne asserts: (1) he is intellectually disabled; (2) he has a strong case of actual innocence; (3) his execution would violate the United States and Tennessee Constitutions because he is seriously mentally ill; (4) the death penalty is racist; and (5) Tennessee is out of step with the evolving standards of decency. Upon careful review of the motion, the response, and the documentation submitted with the response, the Court concludes that under the principles announced in *Workman v. State*, 22 S.W.3d 807 (Tenn. 2000), Mr. Payne has presented no extenuating circumstances warranting issuance of a certificate of commutation. It is therefore ordered that the request for a certificate of commutation is denied.

Upon due consideration, the State's motion to set an execution date is GRANTED. Accordingly, under the provisions of Rule 12(4)(E), it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 3rd day of December, 2020, unless

otherwise ordered by this Court or other appropriate authority. No later than November 19, 2020, the Warden or his designee shall notify Mr. Payne of the method that the Tennessee Department of Correction (TDOC) will use to carry out the execution and of any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act.

Counsel for Pervis T. Payne shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM