

# PAYNE V TENNESSEE

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## PAYNE V TENNESSEE

**Date(s):** May 20, 1991 (Decision Rendered)

**Location(s):** Supreme Court of the United States, Washington, D.C.

### 1. Summary

**Payne v. Tennessee** was a landmark 1991 decision by the United States Supreme Court concerning the admissibility of **Victim Impact Statements (VIS)** during the penalty phase of a capital murder trial. This judgment fundamentally altered the landscape of criminal procedure, especially in sentencing hearings, by holding that the Eighth Amendment's prohibition against cruel and unusual punishment does not categorically bar the jury from considering evidence detailing the personal characteristics of the victim and the emotional harm the crime inflicted upon the victim's family. The Court, in a 6-3 decision, explicitly overruled its own recent precedents, *Booth v. Maryland* (1987) and *South Carolina v. Gathers* (1989), which had previously deemed such evidence inadmissible as irrelevant and potentially inflammatory.

The core ruling established that evidence concerning the victim's identity and the resultant harm to the community and family is a legitimate factor for the sentencing authority to weigh, as it relates directly to the culpability of the defendant and the severity of the crime committed. Prior to **Payne**, the focus in capital sentencing was strictly limited to the defendant's character, criminal record, and the specific circumstances of the offense. By reversing course, the Supreme Court mandated that the admission of VIS must be approved on a case-by-case premise, acknowledging that these statements are not *per se* excluded from all sentencing processes, thereby empowering victims and their families within the judicial system.

### 2. Background and Precedent

The admissibility of victim impact evidence became a flashpoint during the rise of the **victim's rights movement** in the late 20th century. Before 1991, the Supreme Court had twice addressed the issue, establishing a restrictive framework. In 1987, the Court decided *Booth v. Maryland*, holding that the introduction of a detailed VIS in the penalty phase of a capital case violated the Eighth Amendment because it presented factors--such as the family's suffering and opinions about the crime--that were irrelevant to the defendant's moral guilt or the blameworthiness of their conduct. The *Booth* court reasoned that such evidence risked leading the jury to impose the death penalty based on "arbitrary factors" rather than rational deliberation regarding the crime itself.

Two years later, in *South Carolina v. Gathers* (1989), the Court reaffirmed and extended the *Booth* rule, vacating a death sentence because a prosecutor had commented extensively on the victim's religious faith and character traits during closing arguments in the sentencing phase. These

decisions created a clear constitutional boundary: evidence relating to the victim's specific personal characteristics or the emotional impact on surviving family members was deemed constitutionally impermissible during capital sentencing. This strict exclusion was criticized by many state attorneys general and victim advocates who argued that it dehumanized the victim and prevented the jury from comprehending the full scope of the harm caused by the defendant.

### 3. Key Developments and Timeline

**1987-1989: The Precedents Set:** The Supreme Court establishes in *Booth v. Maryland* and reaffirms in *South Carolina v. Gathers* that victim impact evidence is inadmissible in capital sentencing proceedings under the Eighth Amendment.

**June 1987: The Crime:** Pervis Payne fatally stabbed Charisse Christopher and her two-year-old daughter, Lacie, and severely wounded her three-year-old son, Nicholas, in Millington, Tennessee.

**1988: Trial and Sentencing:** During the capital sentencing phase of Payne's trial, Charisse Christopher's mother testified about the profound emotional suffering endured by Nicholas, stating how the boy cried for his deceased mother and sister. The prosecutor also used this evidence in his closing argument, emphasizing the ongoing pain inflicted upon the surviving child. Payne was subsequently sentenced to death.

**1990: State Appeals:** The Tennessee Supreme Court affirmed the conviction and the death sentence. Although the court acknowledged that the victim impact evidence used at trial violated the federal precedents of *Booth* and *Gathers*, the court ruled that the error was harmless beyond a reasonable doubt because of the overwhelming aggravating factors in the case.

**1991: SCOTUS Review:** The Supreme Court granted certiorari to address the constitutional question surrounding victim impact evidence, specifically whether the Eighth Amendment precluded its admission, leading directly to the reconsideration of *Booth* and *Gathers*.

### 4. Legal Question and Majority Opinion

The central legal question before the Supreme Court was whether the Eighth Amendment's requirement that a capital sentencing jury consider all mitigating evidence concerning the defendant's character and circumstances also mandated the exclusion of evidence concerning the victim's personal qualities and the subsequent harm inflicted upon the survivors. Writing for the majority, Chief Justice William H. Rehnquist asserted that *Booth* and *Gathers* were fundamentally flawed because they created an unwarranted constitutional barrier to the introduction of highly relevant sentencing information.

The majority opinion reasoned that the State has a legitimate interest in counteracting the defendant's mitigating evidence with evidence that demonstrates the extent of the harm done. Rehnquist argued that just as the defendant is permitted to introduce evidence of his or her good character to argue against the death penalty, the State should be allowed to introduce evidence

illustrating the unique loss suffered by the community and the victim's family. The Chief Justice stressed that murder is more than just a crime against the State; it is an act against an individual, and the sentencing authority must be allowed to assess the **harm inherent in the crime**.

The ruling hinged on the principle that the assessment of the death penalty requires consideration of two components: the circumstances of the crime and the characteristics of the offender. By excluding victim impact evidence, the Court argued in **Payne**, the prior precedents had artificially narrowed the definition of the crime's circumstances. Therefore, the decision held that VIS testimony concerning the emotional, psychological, and financial impact of the crime is admissible unless it renders the trial fundamentally unfair, thus providing a crucial distinction between highly prejudicial or irrelevant speculation and factual evidence of harm.

## 5. Dissenting Opinions

The **Payne v. Tennessee** decision drew strong opposition from the dissenting justices, most notably Justices Thurgood Marshall and John Paul Stevens, who argued that the majority's decision sacrificed judicial consistency and fairness for the sake of political expediency and the victim's rights agenda. Justice Marshall, in his dissent, fiercely criticized the majority for discarding the principle of *stare decisis* (adherence to precedent) merely four years after *Booth* was decided. He maintained that victim impact evidence inherently injected arbitrary, emotionally charged factors into the sentencing process, violating the fundamental Eighth Amendment requirement for individualized sentencing based on the defendant's character and crime.

Justice Stevens' dissent highlighted that allowing VIS shifted the jury's focus away from the defendant's culpability to the worth of the victim. He argued that the constitutional requirement for capital sentencing is reliability and reasoned decision-making, which is jeopardized when sentencing decisions are influenced by the eloquence, wealth, or social status of the surviving family members--factors entirely irrelevant to the defendant's guilt. Stevens warned that the ruling risked establishing a system where the punishment for the same crime could vary dramatically based solely on how articulate or sympathetic the victim's surviving family happened to be.

## 6. Consequences and Impact

The immediate and long-term impact of **Payne v. Tennessee** was profound, ushering in a significant procedural change across US jurisdictions. The ruling provided the constitutional latitude necessary for states to enact or strengthen laws authorizing the use of VIS in both capital and non-capital sentencing proceedings. By legitimizing the victim's voice, the case addressed public sentiment that the criminal justice system had overly prioritized the rights and circumstances of the defendant.

In practice, the decision allowed prosecutors to present a more complete narrative of the crime's

effects, often resulting in more emotionally persuasive arguments during the penalty phase. However, the ruling also intensified debates over due process and fairness. Critics contend that, despite the majority's caveats, VIS can still introduce highly subjective, non-statutory aggravating factors that risk arbitrary sentencing, particularly when the evidence focuses on the victim's extraordinary virtue or the intensity of the family's grief rather than objective facts about the crime. The case therefore remains a cornerstone in modern criminal law, balancing the constitutional demand for individualized sentencing with the desire for procedural fairness for victims.

## 7. Further Reading

[Payne v. Tennessee \(Wikipedia Entry\)](#)

[Payne v. Tennessee \(Oyez\)](#)

[Booth v. Maryland, 482 U.S. 399 \(1987\)](#)

[Victim Impact Statement \(Legal Concept\)](#)

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