

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE V. PERVIS T. PAYNE

No. M1988-00096-SC-DPE-DD - Filed: May 22, 2007

ORDER

On September 19, 2006, this Court set the execution of Pervis T. Payne for April 11, 2007. On February 1, 2007, the Governor of Tennessee granted an executive reprieve to Payne until May 2, 2007, to allow the Commissioner of Correction to review the manner in which death sentences are administered in Tennessee and to provide new protocols and related written procedures for administering the sentence of death. On April 30, 2007, the Commissioner completed his review and forwarded the revised execution protocols to the Governor. On May 4, 2007, the State of Tennessee filed a Motion to Re-Set Execution Date in this case. The State asserts that, the reprieve having expired by its terms, there are no legal impediments to Payne's lawful execution and requests that the Court set a new execution date for Payne. On May 14, 2007, Pervis T. Payne filed a Response to Motion to Re-Set Execution Date, in which he asserts that the Court should deny the State's Motion because of litigation currently pending in the state and federal courts that may affect the State's ability to execute him and the procedure used at his execution. In the alternative, Payne requests that, if the Court grants the State's Motion, the Court set the execution for a date far enough in the future to allow "judicious" consideration of the claims presented in the pending litigation and "a meaningful clemency process."

Upon due consideration of the Motion to Re-Set Execution Date and the Response, the State's motion is GRANTED. 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 twelfth day of December, 2007, unless otherwise ordered by this Court or other appropriate authority.

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.

It is so ORDERED.

PER CURIAM