

Diocese of Knoxville | Diocese of Nashville | Diocese of Memphis

October 27, 2020

Dear Governor Lee:

As the bishops of the three dioceses in Tennessee, in conjunction with the Catholic Public Policy Commission, we again approach you with the request that you invoke the powers vested in you as governor to stop another needless execution. We clearly state our strong opposition to the state carrying out the death penalty in the case of Pervis Payne scheduled for December 3, 2020. Carrying out this execution does not serve the cause of justice and bucks the national trend of moving away from capital punishment.

Nationally, we have seen more than 165 people released from death row after they have been found to have been innocent of the crime for which they were convicted. Based on a human system as it is, there is always the chance that the state executes an innocent person. But even when guilt is certain, execution is not necessary to protect society.

Pope Francis as well as St. John Paul II have called for the end to the death penalty as both cruel and unnecessary. It is simply not necessary as the only means to protect society while still providing a just punishment for those who break civil laws. Rather than serving as a path to justice, the death penalty contributes to the growing disrespect for human life and continues a cycle of violence in society.

We pray for the victims of crime and their families and friends that they might find peace and healing in God's boundless love. We pray particularly for Charisse Christopher, a vibrant 28-year-old, and her 2-year-old daughter, Lacie Jo, whose lives were tragically cut short in 1987. It is for their deaths that Mr. Payne faces execution. We also pray for Christopher's then 3-year-old son, Nicholas, who was seriously injured in the same attack but survived. We pray also for Mr. Payne that he, like all sinners, might find mercy in God's eternal judgment. And, we pray for the people of Tennessee, that through our elected government, we might turn to the path that respects and defends human life from its beginning at conception to its end at a natural death.

Sincerely in Christ

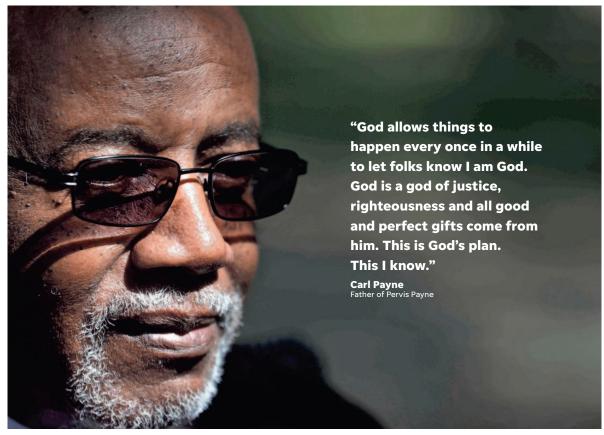
Most Reverend Richard F. Stika

Bishop of Knoxville

Bishop of Nashville

Most Reverend David P. Tall Bishop of Memphis

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Carl Payne, 78, father of Pervis Payne, who was convicted of a capital crime in 1988 and is on death row awaiting a December execution date. Recently, Shelby County courts granted Payne's motion requesting DNA analysis, giving the family renewed hope for a reversal of his 32-year-old guilty verdict. JOE RONDONE/THE COMMERCIAL APPEAL

11th-hour DNA test:

Death row inmate's family awaits 'miracle'

Katherine Burgess Memphis Commercial Appeal | USA TODAY NETWORK - TENNESSEE

arl Payne believes his son is innocent of murder.

He believes that for 33 years, his son has been wrongfully imprisoned, facing the death penalty.

And he believes that God has allowed it, choosing this family like the biblical Queen Esther for God's glory to be manifested.

"God allows things to happen every once in a while to let folks know I am God," said Carl Payne, 78.

"God is a god of justice, righteousness and all good and perfect gifts come from him. This is God's plan. This I know." $\,$

Carl Payne is the father of Pervis Payne, the Tennessee man scheduled for execution Dec. 3 for the 1987 stabbing deaths of Millington woman Charisse Christopher, 28, and her 2-year-old daughter, Lacie. Christopher's 3-year-old son, Nicholas, survived multiple stab wounds in the brutal attack that took place in their apartment building.

Pervis Payne has also maintained his innocence, but multiple appeals have been rejected over his years on death row.



Rolanda Holman, 46, sister of Pervis Payne, who was convicted of a capital crime in 1988. JOE RONDONE/THE COMMERCIAL APPEAL



Carl Payne poses for a photo with his son Pervis Payne in this photo from the 1980s. COURTESY PHOTO

Payne

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During those years, his family has

During those years, his family has stood beside him, some going to their graves still saying they believed he would be freed.

Their steadfastness is rooted in their Christian faith, members of the family say, a faith that Pervis Payne shares.

Now, just weeks before Pervis Payne's scheduled execution, the family has had their first "victory" in the decades-long fight: A judge has granted DNA testing in the case. And, a powerful coalition of attorneys, legislators, non-profits and faith leaders have gathered around the family to advocate for Pervis around the family to advocate for Pervis Payne.

"It's a lot of joy happening. We've been asking the Lord to do it, now I'm thanking him for where he brought us from for where he brought us to," Carl

Payne said.

"Weeping may endure for a night, but joy comes in the morning. We're in that process."

Carl Payne was mowing his grass in Drummonds, Tennessee, when he got a phone call that his only son was in trou-ble. He didn't believe it then but rushed to the police station in nearby Milling-

Millington was the big town for the family — where you went to shop, where Carl Payne pastored a church.

Today, Carl Payne remains an elder and is a superintendent in the Church of God in Christ, overseeing several churches in Tennessee.

churches in Tennessee.

Millington was also where Pervis
Payne's gifffeind lived in an apartment
complex where a brutal crime had just
occurred in the unit next to his girlfriend's. The white woman who lived
next door to Pervis Payne's girlfriend
was dead, stabbed more than 40 times.
She also had more than 40 defensive
wounds.

Her two-year-old daughter was also dead and her son had to be rushed to Le-Bonheur Children's Medical Center with multiple stab wounds.

Pervis Payne had been there: An offi-cer saw him leaving the apartment com-plex drenched in blood. When he saw plex drenched in blood. When he saw the officer, Pervis Payne struck the officer with an overnight bag and ran. He was later found hiding in an ex-girl-friend's attic. His baseball cap was found looped around the 2-year-old victim's arm, and his fingerprints were on a beer can inside the apartment. When Carl Payne arrived at the police station, he was allowed to see his son. "Dad, I didn't kill no woman," Carl Payne rerealed his son saying. "I know you didn't," Carl Payne said he replied.

"I know you than to control the replied.
"I thought he'd be out of there in the next day or two, but he's been in there 33 years," Carl Payne said in an interview.
"They want to take his life, the only son that I have." At trial, Pervis Payne said he heard cries and entered the apart-ment after the Christophers had been stabbed, where he placed his hand on

stabbed, where he placed his hand on the knife lodged in Christopher's throat, trying to help. When the white police officer arrived, Payne, who is Black, said he panicked and ran, fearing he would be seen as the prime suspect.

At trial, prosecutors pointed out inconsistencies in Pervis Payne's testimony: The door to Christopher's apartment was locked when police arrived, meaning Payne must have locked it when he left, something that didn't make sense for a Good Samaritan to do, they said. for a Good Samaritan to do, they said. And after Pervis Payne said he got

blood on himself when Christopher "hit the wall," prosecutors said, "she hit the wall while he was stabbing her to death." Rolanda Holman, the younger of Pervis Payne's two sisters, was just 13 Pervis Payne's two sisters, was just 13 when the crime and arrest happened. To this day, she calls her brother "Bubba," since she couldn't pronounce "brother" as a child.

The family was naïve about the justice system, Holman said.

They began praying but were convinced that her brother would be turned loose. They told him, if you just tell the truth, they'll set you free.

"We're thinking as little girls, my sister and I, well Bubba will be home soon,"

ter and I, well Bubba will be home soon," Holman said. "But we began to get in court and began to see the twists and turns and the things that were not right turns and the things that were not right and the poor support from his defense lawyer, and we began to see something is not right here... I had to take into consideration we had a white victim and a black man, I had to take into consideration is this a racial issue here?"

Her brother's defense didn't aid him like they should have, Holman said, including in responding to the racial framing and the statement about whether he had been there when Christopher "hit the wall."

Something unique happened at trial For the first time, victim's impact state-ments were allowed.

The legality of that went all the way to the U.S. Supreme Court, changing



This undated photo provid ed by the Tennessee Department of Correction shows Pervis Payne. A new report by a think tank examining executions in the think tank examining executions in the U.S. says death penalty cases show a long history of racial disparity, from who is executed to where and for what crimes. The report also details several case studies in which race may be playing a role today, including Payne, accused of the 1987 stabbing deaths of Charisse Christopher and her 2-year-old daughter, Lacie. TENNESSEE DEPARTMENT OF CORRECTION VIA AP

how trials were conducted across the country. Just as her brother's case resulted in a significant change, Holman believes it will end with a significant change for the judicial system. Perhaps it will be the end to the death penalty,

"We've been chosen for such a time as this," Holman said, echoing the bibli-

as tins, rioiman said, ecnoing the bibli-cal book of Esther.

"We're chosen. That means we've got to keep going with it. We're in it now. I said, 'Bubba, we're out here swimming pour,'"

'I want to see a miracle

Holman hopes that when the evidence is tested for DNA, there will be "no question" that her brother is innocent.

But others say they are certain of his guilt, including the Shelby County District Attorney's Office.
Throughout his 33 years on death

row, none of Payne's appeals have suc-

The family of the Christophers, the victims, also cooperated with the prosecution at trial. The remaining members of the Christopher family did not wish to speak with The Commercial Appeal in an interview.

"For 30 years the defendant has been trying to run from what a jury sentenced him to," Shelby County District Attorney Amy Weirtch recently said in a written statement. "Countless state and federal courts have reviewed this case — including the United States Supreme Court. Each time, the same result: they find the evidence against the defendant overwhelming and his explanation unbelievable. believable

believable.

That is because you can't outrun the facts of this case — the truth about what the defendant did and how this family suffered and is still suffering. ..The time for the defendant to finally be held responsible is long overdue.

When Judge Paula Skahan ruled in September that DNA evidence should be tested, that was the first victory for the Paynes in 33 years, Holman said. The results of the tests are expected in mid-November. She called her brother after getting the news. "Child let me tell you," she began. He had to get off the phone after a few moments, saying he needed to soak in the news, she said. needed to soak in the news, she said.

My hope is right there on those box es right now," Holman said, referring to the boxes of evidence

Holman and Carl Payne said they imagine Pervis Payne coming home. They imagine the joy of him being freed again, but they also imagine the sorrow of him visiting the graves of his sister Tyrasha and his mother Bernice. Tyrasha deld in June 2005. Holland the Bernice died in July 2005. Every New Year, Pervis Payne's mother Bernice would say, "Pervis is coming home this year."

Holman said she understands the reality of the looming Dec. 3 execution Holman and Carl Payne said they

ality of the looming Dec. 3 execution date. The family isn't "so spiritual we don't have any common sense," she said, and they have a plan for every real-

and they have a plan for every reality. But, they also have "hope: The anticipation, the expectation that something good is going to happen," she said.
For Carl Payne, as he awaits the results of the DNA testing, there is no
doubt, he said.
"I want to see a miracle, and God is
working that miracle out," Carl Payne
said. "We've never lost our focus on God.
I knew God was going to get him out of
here. I didn't know it was gonna take
him this long."
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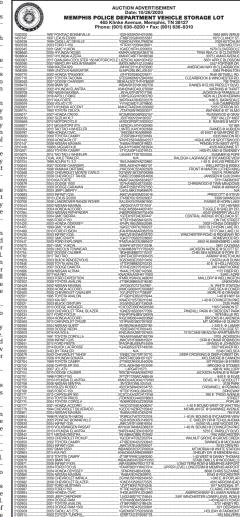
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Carl Payne, 78, father of Pervis Payne. DNA analysis is giving the family renewed hope for a reversal of Pervis Payne's 32-year-old guilty verdict in the stabbing deaths of two people. "I want to see a miracle, and God is working that miracle out," Carl Payne said. JOE RONDONE/THE COMMERCIAL APPEAL



Rolanda Holman, 46, is the sister of Pervis Payne. Holman believes her brother's case will end with a significant change for the judicial system. "We've been chosen for such a time as this," Holman said. JOE RONDONE/THE COMMERCIAL APPEAL



****NLSO VEHICLES CONFISCATED BY THE MEMPHIS POLICE DEPARTMENT WILL BE SOLD. ORDINANCE NO: 4432 SECTION 21-31, CITY IMPOUND Of sales wern find feffect august 29, 1906. It shall be unlawful to seld more than SIX (8) vehicles within any Frair from the city's impound Locan an monyoual basis. This restriction shall not apply to duly uccessed automobile dealers. " APPROXIMATELY SO TO 100 VEHICLES ARE SOLD AT THIS LOCATION EACH WEDNESDAY." * All Items are sold as is, payment must be made immediately following the sale with-cash, centifie Coks accompanied by a letter of credit written on bank letternead. With no exceptions.

Pervis Payne is innocent and should be freed



Your TurnRudy Kalis
Guest columnist

When I retired at the end of 2017 after 43 years as local TV sportscaster, I never dreamed that I would wind up going to prison four days a week as a volunteer for a faith-based prison ministry called Men of Valor. But God works in mysterious ways and the first day I walked in, I knew this was the work that I wanted to spend the rest of my life doing.

And that's how I met Pervis Payne, an easygoing, soft-spoken, spiritual man who had spent over 30 years of his life on death row. He was part of our regular Sunday night Bible study, and the depth of his spiritual life was evident. He intrigued me, so our personal meetings expanded to two and three times a week, to the point that he asked me to be his designated spiritual adviser.

In time, I found out that Pervis was convicted of the 1987 murder of Charisse Christopher and her young daughter in Millington, Tennessee, when he was 20 years old. As our mutual respect and honest conversation deepened, I asked him directly about that day, interested to see how he would respond.

He never flinched, telling me that he was going to his girlfriend's apartment when across the hall he heard moans for help and found Charisse stabbed and bleeding. Though in a panic, he tried to help until the reality of the situation hit him. As a young man, he had grown up hearing stories of innocent African Americans unfairly caught up in the criminal justice system, so he ran.

Documented intellectual disability

Pervis had never been in trouble before, been arrested or used drugs. He'd grown up in a close-knit, loving family and was raised in the church where his father was the pastor. Pervis also has a documented intellectual disability, an extremely low IQ that prevented him from achieving in school and challenged him greatly in making everyday life decisions.

Incredibly, if his execution on Dec. 3 is carried out, it would be unconstitutional under the Eighth Amendment, which prohibits the execution of a person with an intellectual disability.

But he was and is a giant in his faith. It angered me to read how the prosecuting district attorney at his trial played on racial stereotypes and fears about Black men attacking white women. His own attorneys failed him. He was lost in confusion.

I've asked him how he survived in a tiny cell, destined to die, without getting angry with God.

He admitted that at first he was angry at God and the injustice of the system as well, but he said that eventually he fell to his knees in tears and asked God to see him through this nightmare by sustaining his hope and the faith to believe that one day he will be freed.

I don't know why God put me in Pervis' life, but I do know why he is in mine, because he has taught me more about hope and faith than I could ever have imagined. He has become a brother in Christ and now a man whose faith and prayers are being answered.

The Innocence Project

The nationally acclaimed Innocence Project has joined his quest for justice and freedom. The court has now ordered DNA testing of crime scene evidence that has never been tested. That evidence could contain the DNA of the true perpetrator and exonerate Pervis. Unfortunately, the most relevant evidence for DNA purposes has vanished. The state has maintained that it doesn't know where some of this important evidence is or why it wasn't carefully preserved.

My heart bleeds for the Christopher family, which has suffered the worst loss imaginable. I have children and grandchildren, and it would tear my heart out to lose any of them in such a violent way. They deserve justice, but that justice should be aimed at finding the person who actually committed the crime. There is no justice in executing an innocent man.

Unfortunately, the COVID-19 pandemic has shut down visitations at the prison, so now my only way of talking to Pervis is by phone twice a week. Recently, he reminded me that he feels God has allowed him to spend all this time in prison to develop a deep, genuine walk with him for a greater purpose that he has planned for him in the future. That is interesting to me because one of my favorite passages in the Bible is Proverbs 16:9, "In his heart a man plans his way in life, but it's the Lord who directs his steps."

Even though Pervis contends with an intellectual disability, he still talks about his faith and hope with a conviction that touches your very soul. He wants to tell the world how, in his deepest despair, he never lost his faith in a loving God.

I pray that God's spirit touches our governor as well and he finds it in his heart to grant clemency to Pervis Payne, allowing him to complete the mission that God has planned for him.

Rudy Kalis is Pervis Payne's spiritual adviser and a volunteer with Men of Valor prison ministry.