

Essay sample on judicial precedent of Payne v. Tennessee

Criminal Law - Payne v. Tennessee

The judicial precedent of Payne v. Tennessee (90-5721), 501 U.S. 808 was held in June, 1991 (Belknap, 1992).

This case entails the petitioner Pervis Tyrone Payne who got convicted on two counts of murder and one count of assault with the intention to commit murder. Payne murdered Clarisse and Lacie. Chief Justice Rehnquist made

a declaration of a death sentence for each of the victims and 30 years in prison to Tyrone Payne (Aguirre et al., 1999).

The court had to address the admissibility of victim impact evidence as in the judicial precedent in Booth v. Maryland 1987 and South Carolina v. Gathers 1989 (Aguirre et al., 1999). In these two cases the jury held that the victim impact statements were not admissible in the sentencing of the murder trials. In this case, the Tennessee Supreme Court upheld the case as Payne made an appeal. The court had to reject the petitioner's perception that the grandmother's testimony violated his rights under the Eighth Amendment. The judicial precedent is that the testimony is unimportant and does not create a deplorable risk of a subjective obligation of the death penalty.

The court considers the death penalty as harmless. The court's conclusion and rationale is that the death penalty requires a threshold for the court to impose. The court has to establish the rational criteria for the victim and determine whether the defendant meets the threshold. The state considers defendant information as in McCleskey v. Kemp (1987) (Aguirre et al., 1999). The court considers that violation of Payne's rights is as held in Booth and Gathers. In this case, the Eighth Amendment disallows the death penalty on the consideration of the victim's psychological status and the effect of the victim's family.

The court had to overrule the precedent in Booth and Gathers and violated the stare decisis. The court held that the

stare decisis is subject to consideration of the fairness of the victim and the demands of law. The court had a mandate

to judge the case fairly in disregard of past precedents that were similar.

References

- Aguirre, J., Davin, R. P., Baker, D. V., & Lee, K. (1999). Sentencing Outcomes, Race, And Victim Impact Evidence In California: A Pre- And Post-Payne.. *Justice Professional*, 11(1), 27.
- Belknap Jr., K. L. (1992). The death penalty and victim impact evidence: Payne v. Tennessee. 111 S. Ct. 2597 (1991). *Harvard Journal of Law & Public Policy*, 15(1), 275.
- Wood, J. K. (1999). Refined Raw: The Symbolic Violence of Victims' Rights Reforms. *College Literature*, 26(1), 150