

# URGENT ACTION

## JURORS SUPPORT CLEMENCY AS EXECUTION SET

Wayne Nichols, a 64-year-old man who has been on death row in Tennessee, USA, for 35 years, is scheduled to be executed on 11 December 2025. In 1990, he pled guilty to the 1988 rape and murder of a woman in Chattanooga. Multiple jurors who sentenced him to death in 1990, and two former prosecutors from the case, have stated their support for clemency. Experts have pointed to his acceptance of responsibility, model conduct in prison and personal rehabilitation in support of clemency. We call on the Governor to commute this death sentence.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

Bill Lee, Governor  
State Capitol, 1st Floor  
600 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243, USA

Webmail: <https://www.tn.gov/governor/contact-us/share-opinion.html>

Dear Governor,

*I urge you to commute Harold Wayne Nichols' death sentence. I do not seek in any way to downplay the serious nature of the crime for which he is facing execution.*

*Wayne Nichols pleaded guilty, and at his sentencing expressed remorse and recognized the pain he had caused. The mother of his victim, motivated by her religious faith, asked to meet with him immediately after the sentencing. Their interaction seems to have been a crucial spur in his efforts toward rehabilitation since then. His remorse and willingness to accept personal responsibility has been recognized by prison experts and others.*

*Multiple jurors who sentenced Wayne Nichols to death have since stated that they support clemency. They recalled wanting to vote for life without parole but as state law did not allow that option at the time, they ended up voting for death based on conjecture about the likelihood of execution. Because Tennessee had not carried out an execution since 1960, they thought it unlikely that Wayne Nichols would be either and so voted for the death penalty in the belief that this would keep him in prison for the rest of his life. Such speculative decision-making in the jury room is surely cause for clemency now.*

*The state Supreme Court's Chief Justice considered that the prosecutor's argument for death as the only way of ensuring Wayne Nichols would not reoffend was unconstitutional. Today two former Hamilton County prosecutors involved in the case support clemency and point to his model conduct over more than three decades.*

*Under international law, personal reformation and social rehabilitation are the "essential aim" of the treatment of individuals held in the prison system.*

*I appeal to you to halt Wayne Nichols' execution and to commute his death sentence.*

*Yours sincerely,*

## ADDITIONAL INFORMATION

On 30 September 1988, a man broke into a house in Chattanooga in Hamilton County and raped a 21-year-old woman who lived there. He also hit her head with a wooden board. Found alive by roommates the next morning, she died the following day. In January 1989, Wayne Nichols, who had turned 28 in December, was arrested on unrelated charges. He admitted to the 30 September assault, his videotaped confession providing the only link between him and the crime. Before the murder trial, he pleaded guilty to other rapes committed in the three months between 30 September and his arrest. On 9 May 1990, he pleaded guilty to capital murder, and the trial moved to sentencing. Wayne Nichols apologized to the victim's family. The prosecution argued that a death sentence was the only way to keep him from getting out and committing similar crimes. The jury voted for the death penalty. In 1994, when the Tennessee Supreme Court upheld the death sentence, the Chief Justice found the prosecution's argument had unconstitutionally alluded to the possibility of his release. The other Justices disagreed.

Immediately after the sentencing in 1990, the mother of the young woman killed in Chattanooga asked to meet with Wayne Nichols. According to the clemency petition, Wayne Nichols "repeatedly apologized" to the victim's mother for causing her family "such immense pain". For her part, from her position of religious faith, the mother "responded with her forgiveness". The mother visited Wayne Nichols twice more while he was in the county jail before his transfer to state prison.

In 1990, a capital jury in Tennessee had only the choice of the death penalty or life with the possibility of parole after 25 years. At that time, Tennessee had not carried out an execution since 1960. As noted in the clemency submission this combination appears to have driven the decision in the jury room at Wayne Nichols's trial. Multiple jurors have since the trial said they support commutation. They have recalled that the jurors discussed the fact that the state had not carried out an execution for decades and that they doubted anyone ever would be. At the same time, encouraged by the prosecutor's arguments, they were concerned about the defendant re-offending, and so they decided to vote for death in the belief that "it would guarantee he would stay in prison forever".

In post-conviction proceedings in 2017, the defence and county prosecutor's office informed the court that they were engaged in negotiations to modify the death sentence, and they reached an agreement in early 2018 that Wayne Nichols be resentenced to life imprisonment consecutive to his 220-year sentence for the non-capital rape convictions. The judge set a hearing to resentence Wayne Nichols in 2018. However, at the hearing the judge unexpectedly declined to approve the agreement and set the case for additional arguments. A week before the new hearing, the court summarily denied relief on all Nichols' post-conviction claims. The lawyers appealed to the Tennessee Court of Criminal Appeals (TCCA), arguing that the post-conviction court had abused its discretion and acted arbitrarily. However, the TCCA upheld the decision.

The Hamilton County Assistant District Attorney involved in the agreement said she "fully support[s] Governor Lee granting Mr Nichols clemency", adding that that Wayne Nichols has been "a model inmate, who the prison staff trusted and relied on." A former Assistant District Attorney who defended the state's case during original postconviction proceedings also now supports a life sentence. He noted that in three decades Wayne Nichols had had "only two disciplinary write-ups, neither of which involved violence or security risk", but only "minor policy violations."

A former prison officer who knew Wayne Nichols for 20 years has said he "accepts full responsibility for his crimes and has demonstrated a strong commitment to become a better man... He was a calming presence on the unit, serving as a role model and mentor to his fellow inmates". A former warden and now leading correctional expert who has met with Nichols said that he "stands out as a man who is sincerely remorseful for his crimes and has devoted significant energy to understanding the decisions that led him to death row. He is passionate in his devotion to breaking the cycle of violence". An expert on interpersonal violence perpetrated by men has concluded that there was a direct link between Wayne Nichols' abusive childhood and adolescence and his crimes. The clemency petition asserts that while today there are better mechanisms to address trauma and its consequences, "fifty years ago, Wayne's abuse was ignored, discredited, and swept under the rug".

There have been 1,651 executions in the USA since 1976, when the US Supreme Court upheld new capital statutes (Tennessee's first execution after 1976 was in 2000 another 14 since then). There have been 44 executions in the USA in 2025, two in Tennessee. Amnesty International opposes the death penalty in all cases unconditionally.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English. You may also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 11 December 2025.

**NAME:** Harold Wayne Nichols ("Wayne").

**LINK TO PREVIOUS UA:** n/a