



OFFICE OF THE VANDERBURGH COUNTY PROSECUTOR

**DIANA L. MOERS**

ADMINISTRATION BLDG. - ROOM 108  
1 NW MARTIN LUTHER KING JR. BLVD  
EVANSVILLE, IN 47708  
(812) 435-5150 | prosecutorinfo@vanderburghgov.org

**\*\*\*MEDIA ALERT\*\*\***

**For Immediate Release**  
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*CONTACT: Winston Lin*  
*Phone: 219-242-2417*

**VANDERBURGH COUNTY PROSECUTOR'S OFFICE**  
**ANNOUNCES FIRST JURY TRIAL WIN OF 2023**

Evansville, IN – Prosecutor Diana Moers announces that, on January 9–10, 2023, the Vanderburgh County Prosecutor's Office successfully prosecuted James Francisco Payne in a jury trial where he was convicted of three counts: (1) battery by means of a deadly weapon, a Level 5 felony; (2) battery resulting in moderate bodily injury, a Level 6 Felony; and battery resulting in serious bodily injury, a Level 5 felony. Mr. Payne also received a Habitual Offender enhancement. The prosecution was led by Deputy Prosecuting Attorneys John Bober and David Whitehead.

The prosecution presented evidence that on or about May 20, 2022, Mr. Payne entered the Circle K on West Columbia Street in possession of a 10" wrench. Mr. Payne asked the store clerk, "Where are the knives at?" Before the surprised clerk could answer, however, Mr. Payne began striking him with the wrench, resulting in an open head injury and bruising to his forearm.

The incident was investigated by Evansville Police Department Detective Peter DeYoung. The battery was captured on video. Mr. Payne was arrested just blocks away from the store, wearing the same clothes and a backpack as seen in the video. The wrench was found in his pocket.

Prosecutor Moers thanked her Deputy Prosecuting Attorneys John Bober and David Whitehead, as well as EPD Detective Peter DeYoung, for their diligent efforts. "Because of the hard work of the Deputy Prosecutors and Law Enforcement in this case, this repeat offender will be held accountable for his vicious crime committed against an innocent store clerk who was doing nothing more than an honest day's work when he was attacked. My office will be prepared for the sentencing and will seek justice for this victim on behalf of the citizens of Vanderburgh County."

Sentencing is scheduled for February 8, 2023 in front of Judge Robert J. Pigman of the Vanderburgh Superior Court. Mr. Payne faces one to six years for the battery and an additional two to six years for the Habitual Offender enhancement.

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