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IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MAR 19 2001

ATTORNEY GENERAL'S
OFFICE

PHILIP R. WORKMAN,)	
)	
Petitioner-Appellant.)	
)	
v.)	No. 96-6656
)	
RICKY BELL, Warden,)	
)	
Respondent-Appellee)	
)	
In re: PHILIP R. WORKMAN,)	
)	No. 00-5367
Movant.)	

DEATH PENALTY HABEAS CORPUS PROCEEDING
EXECUTION DATE: 3/30/01 1:00 a.m.

MOTION TO REOPEN
AND TO APPOINT A SPECIAL MASTER

Donald E. Dawson
Post-Conviction Defender
State of Tennessee

Christopher M. Minton
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Counsel for Phillip Ray Workman

Pursuant to the All Writs Act, 28 U.S.C. § 1651; Fed.R.Civ.P. 53(c) & 60(b)(6), and this Court's inherent power to protect the integrity of the judicial process, Philip R. Workman respectfully requests that this Court reopen the proceedings and appoint a Special Master to take evidence on whether Respondent's counsel perpetrated a fraud on this Court. In support thereof, Workman shows:

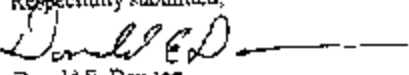
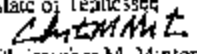
1. On March 8 and 27, 2000, Workman filed motions requesting that this Court reopen Workman v. Bell, No. 96-6652, or authorize a second habeas corpus proceeding. See 28 U.S.C. § 2244(b). Workman argued, among other things, that newly discovered evidence demonstrates that he is actually innocent of first-degree murder.
2. Responding to Workman's motions, Respondent's counsel represented that Tennessee's clemency process was available for Workman to present evidence that he is innocent of first-degree murder. This Court subsequently denied Workman's motions.
3. On January 25, 2001, Tennessee's Board of Probation and Parole (Parole Board), held a hearing on Workman's request that the Governor commute Workman's death sentence. At the conclusion of that hearing the Parole Board recommended, 6-0, that the Governor not commute Workman's death sentence.
4. As the contemporaneously filed memorandum in support of his motion:

demonstrates, documents obtained through Tennessee's Public Records Act suggest that Respondent's counsel worked with the Governor's Office, the Parole Board, and the Shelby County District Attorney's Office to corrupt the clemency process.

5. If Respondent's counsel was involved in corrupting the clemency process, then counsel's representation to this Court that clemency offered Workman an available forum for his claim of innocence would constitute a fraud on this Court.

WHEREFORE, Workman respectfully requests that this Court:

1. Appoint a Special Master to take evidence and report on the extent to which Respondent's counsel was involved in corrupting the clemency process;
2. Upon finding that Respondent's counsel perpetrated a fraud, recall the mandates issued in Nos. 96-6652 and 00-5367; and
3. Order such other relief as this Court deems just.

Respectfully submitted,

 Donald B. Dawson
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 State of Tennessee

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