

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN V. STATE OF TENNESSEE

No. M1999-01334-SC-DPE-PD
and
No. W2002-00300-SC-R11-PD

Filed June 2, 2003

ORDER

On May 19, 2003, the State filed a motion requesting that this Court dissolve the stay issued on May 29, 2001, and reset an execution date for Philip Workman. In its motion the State asserts that resetting an execution date is proper in light of the May 19, 2003, order of this Court, which denied Workman's Tennessee Rule of Appellate Procedure 11 application for permission to appeal and marked the end of state court proceedings.

On May 29, 2003, Philip Workman filed both a response in opposition to the State's motion and a petition for rehearing of this Court's May 19, 2003 order denying his Rule 11 application. Pointing to the petition for hearing, Workman asserts in his response that state court proceedings have not been completed and that setting an execution date would be premature. Workman further states that should this Court deny rehearing he intends to file a petition for writ of certiorari in the United States Supreme Court. Workman contends that setting an execution date would curtail his right to seek federal review of the state proceedings.

Having considered the petition for rehearing, a majority of this Court concludes that the petition is without merit. Therefore, the petition for rehearing is hereby DENIED.

Furthermore, a majority of this Court concludes that Workman has presented no legal basis for denying the State's motion to reset an execution date and that the State's motion to dissolve the stay previously entered and reset an execution date is well-taken. Accordingly, the State's motion is GRANTED. It is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 24th day of September, 2003, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Philip Workman shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Adolpho A. Birch, Jr. - Dissenting by Separate Order.