

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

PHILIP WORKMAN	)	
	)	
Petitioner-Appellant	)	No. 06-6451
	)	07-5031
vs.	)	
	)	
RICKY BELL, Warden,	)	
	)	
Respondent-Appellee	)	

MOTION FOR STAY OF EXECUTION  
PENDING REHEARING

Philip Workman has this day filed a petition for rehearing and suggestion for rehearing *en banc*. As Workman notes, rehearing is warranted to resolve the open and controversial issues arising from this Court's 7-7 decision in *Workman v. Bell*, 227 F.3d 331 (6<sup>th</sup> Cir. 2001)(*en banc*). Indeed, there is clear proof that Workman's trial was tainted by the perjury of two key witnesses, Terry Willis and Harold Davis, and the withholding of exculpatory evidence showing that Officer Oliver was actually hit by friendly-fire. Workman, however, was denied fair habeas proceedings on his due process claims through fraud and/or misconduct attributable to the Respondent and his counsel. Workman is therefore entitled to reopen his habeas proceedings under Fed.R.Civ.P. 60(b) and/or entitled to a hearing on his Rule 60(b) motion.

This Court should grant a stay of execution to allow full and proper consideration of the *en banc* petition, should grant the *en banc* petition, and order a

stay of execution pending the final disposition of the appeals in this case.

Respectfully Submitted,

Paul R. Bottei  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been forwarded by fax to Joseph Whalen, Office of the Attorney General, 425 5th Avenue North, Nashville, Tennessee 37243 on this 7<sup>th</sup> day of May, 2007.

  

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