

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE V. PHILIP RAY WORKMAN

No. M1999-01334-SC-DPE-DD - Filed: March 27, 2007

ORDER

On January 17, 2007, this Court re-set the date for the execution of Philip Ray Workman to May 9, 2007. On February 1, 2007, the Governor of Tennessee issued an Executive Order directing a comprehensive review of the manner in which death sentences are administered in this State and requiring the establishment of new execution protocols and procedures no later than May 2, 2007. Simultaneously, the Governor granted reprieves, effective until May 2, 2007, to all prisoners who had sentences of death scheduled to be carried out within the next ninety days. On March 15, 2007 Workman filed in this Court a Motion to Vacate Execution Date arguing that his execution date, scheduled for one week after May 2, 2007, remained in place solely because of the “fortuity of timing involved in the Governor’s order” while other inmates had received reprieves. Referring to bills currently pending in the General Assembly addressing concerns about the administration of the death penalty in this state, Workman requested that the Court either vacate his current execution date or re-set it to a date after the conclusion of the current legislative session. On March 20, 2007, the State filed a Response to the Motion, in which it argued that Workman’s execution would be constitutionally appropriate under the new protocols, that Workman and the four capital inmates who received reprieves are not similarly situated, and that the courts could take action later should circumstances warrant staying Workman’s execution date. On March 26, 2007, Workman filed a Reply on Motion to Vacate Execution Date, in which he argued that the State had misapprehended his Motion.

Having considered the Motion to Vacate Execution Date, the Response, and the Reply, the Court finds that the Motion to Vacate Execution Date should be and hereby is DENIED.

It is so ORDERED.

PER CURIAM