

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

PHILIP RAY WORKMAN)
)
v.) **No. M1999-01334-SC-DPE-PD**
) **Filed: December 15, 2006**
STATE OF TENNESSEE)

MOTION TO RESET EXECUTION DATE

On May 4, 2004, this Court ordered that Philip Workman’s 1982 death sentence be executed on September 22, 2004. On September 1, 2004, in the wake of Workman’s filing of a motion under Fed.R.Civ.P. 60(b) for relief from the federal district court judgment denying him habeas corpus relief, the district court stayed the execution of Workman’s sentence “pending [the] Court’s . . . ruling on [Workman’s] Rule 60(b) motion.” *Workman v. Bell*, Nos. 94-2577, 03-2660 (W.D. Tenn. Sept. 1, 2004). On October 17, 2006, the federal district court ruled on, and denied, Workman’s Rule 60(b) motion, *Workman v. Bell*, No. 94-2577 (W.D.Tenn. Oct. 17, 2006) (copy attached), an order from which Workman filed a motion to alter or amend under Fed.R.Civ.P. 59(e). On December 12, 2006, the district court denied the Rule 59(e) motion. *Workman v. Bell*, No. 94-2577 (W.D.Tenn. Dec. 12, 2006) (copy attached).

When the execution date set by this Court has passed by reason of a stay, a new date of execution shall be set “when the stay . . . is lifted or dissolved.” Tenn.Sup.Ct.R. 12.4(E). The stay issued by the federal district court on September 1, 2004, having now been dissolved by its own terms, it is thus now appropriate to set a new date. Given that the legal proceedings in this case have now spanned some two and a half decades, and as the standard three-tier review of Workman’s

conviction and sentence concluded more than seven years ago, the State respectfully moves the Court to set a new date of execution in this case forthwith. *See* Tenn.Sup.Ct.R 12(E).

Respectfully submitted,

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**DESIGNATION OF ATTORNEY OF RECORD
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The State's attorney of record prefers to be notified via facsimile at 615-532-7791.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by first class mail, postage prepaid, and by facsimile, to Christopher Minton, at 810 Broadway, Suite 200, Nashville, Tennessee, 37203, on this the _____ day of December, 2006.

JOSEPH F. WHALEN
Associate Solicitor General