

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

State of Tennessee

No. B-82109

Phillip R. Workman

ORDER REQUIRING DEFENSE ATTORNEY AND STATE ATTORNEY TO REFRAIN, STOP AND DESIST FROM MAKING ANY STATEMENTS, WRITINGS OR ANY COMMUNICATION OUTSIDE THE COURT

This court denied the defendant's original Petition for Writ of Error Coram Nobis on March 29, 2001. On March 30, 2001, the Tennessee Supreme Court reversed the decision of this court and remanded the matter to this court for a hearing on defendant's Petition for Writ of Error Coram Nobis. On April 6, 2001, this Court entered the following order: Order Requiring Defense Attorney and State Attorney to Refrain, Stop and Desist From Making Any Statements, Writings Or Any Communication Outside the Court. In the April 6, 2001 order this court made the following findings:

[C]omments concerning this case have been communicated through certain media to the public. It appears to the court that these comments about a possible witness have or could cause harm to one or more parties involved in this matter. This court strongly believes that the public has a right to know all aspects of any public trial. However, this court has a duty and responsibility to protect the integrity of the record, but more importantly, to protect all individuals connected in this case and respect their personal safety.

Subsequently, defendant, pursuant to Rules 9 and 10 of the Tennessee Rules of Appellate Procedure, sought permission to appeal all orders entered before the entrance of the Supreme Court's mandate regarding defendant's appeal of this court's denial of his Petition for Writ of Error Coram Nobis. On April 11, 2001, this court entered an order granting an interlocutory appeal to determine whether this court had jurisdiction to enter orders in this case, prior to the filing of the Supreme Court's mandate from the Tennessee Supreme Court. The Tennessee Court of Criminal Appeals granted the Petitioner's application for Rule 9 review and concluded that this court was without jurisdiction to issue orders entered after the filing of the notice of appeal on March 29, 2001, and prior to the filing of the mandate on April 17, 2001. Thus, this court's April 6, 2001 order requiring the parties to refrain from making public comments on the above entitled motion was vacated. See

Philip R. Workman v. State, No. W2001-00881-CCA-RS-PD, (Tenn. Crim. App. filed May 2, 2001, at Jackson).

This court now finds that neither the Tennessee Court of Criminal Appeals order nor the defendant's motion specifically address this court's April 6, 2001 order. Additionally, this court finds that the Tennessee Court of Criminal Appeals did not conclude that the order issued on April 6, 2001 was substantively flawed, but rather concluded that the order should be vacated because this court lacked jurisdiction to act.

Thus, finding that the need to protect all individuals connected in this case still exists, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT: All lawyers representing the defense and state in this case shall and will make no contact with any media outside of this court. This will include oral, written, phone, fax or any other means of communication. Further, no communication shall or will be given through a third party. This order will be in effect at all times until further orders from this court.

FILED 5-15-01
WILLIAM L. RAY, CLERK
BY: [Signature]

[Signature]
JUDGE JOHN P. COLTON, JR.
CRIMINAL COURT DIVISION III
THIRTIETH JUDICIAL DISTRICT

5-15-2001
DATE