

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

PHILLIP WORKMAN,	)	
	)	
Respondent,	)	
	)	
Vs.	)	
	)	S.Ct. No. 02S01-9910-CR-00098
STATE OF TENNESSEE,	)	
	)	
Movant.	)	

ORDER

This cause came on to be heard upon the motion of the State of Tennessee requesting that an execution date be set in the above-styled case. As grounds for the motion the State alleged that this Court previously stayed execution of the respondent, Phillip Ray Workman, pending final resolution of his petition for federal habeas corpus relief and that on October 4, 1999, the United States Supreme Court denied the respondent's petition for a writ of certiorari to review the judgment of the Sixth Circuit Court of Appeals, which affirmed the district court's order denying habeas corpus relief and granting summary judgment to the State.

On October 7, 1999, the respondent filed a response to the State's motion in which the respondent alleged that under U.S.Sup. Ct. R. 44.2 respondent is entitled to twenty-five (25) days in which to file a petition to rehear the denial of his petition for writ of certiorari and that the proceedings have not concluded in this case under this Court's previous order until the time period for filing a petition to rehear with the United States Supreme Court has expired or that court resolves any issues presented in any petition to rehear. As an additional ground for his motion, respondent alleged that a stay of execution is necessary to afford him a sufficient period of time in which to exercise his right to seek executive clemency.

After due consideration, it appearing to the Court that U.S.Sup. Ct. R. 44.2 entitles respondent to a period of twenty-five (25) days from October 4, 1999, in which to file a petition to rehear with the United States Supreme Court, it is ORDERED that the State's motion to set a date for respondent's execution is DENIED.

It is further ORDERED that, should the respondent fail to file a petition to rehear or should the United States Supreme Court deny any petition to rehear filed by the respondent, the State shall file a Motion to Set an Execution Date with this Court. Such motion and all subsequent filings in this matter by either the State or the respondent shall be filed with the Office of the Clerk of the Appellate Court in Nashville. It is also ORDERED that in addition to the number of copies required to be filed under the Rules of Appellate procedure, all motions, appellate briefs, or pleadings, documents, or exhibits which are hereafter filed in this Court shall also be submitted on a 3.5" computer diskette.

FOR THE COURT:

Riley Anderson, Chief Justice