IN THE SUPREME COURT OF TENNESSEE AT JACKSON

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PHILIP R. WORKMAN

V

Petitioner,



)No. 02~C-D1-9210-CR-OO232

STATE OF TENNESSEE,

Respondent.

RESPONSE TO MOTION TO SET DATE FOR EXECUTION

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The State's Motion To Set Date For Execution is premature. This Court's March 10, 1997, stay provides that a stay remains in effect "pending final disposition of (Mr. Workman's) petition for federal habeas corpus relief, including any petitions for writ of certiorari from the United States Supreme Court ".. When such proceedings in federal court are concluded, counsel for the State shall inform the Court." (Exhibit 1, Order).

The certiorari proceedings in the United States Supreme Court have not concluded. Pursuant to Supreme Court Rule 44.2, Mr. Workman has twenty-five days within which he can file a petition for rehearing of the United States Supreme Court's order denying certiorari. The proceedings in the United States Supreme Court will not conclude until either that time period expires or the Court resolves any issues presented in any rehearing petition

filed.

In addition, Mr. Workman has yet to seek clemency, and the Board of Paroles has yet to provide Mr. Workman policies, guidelines, regulations, etc. that will govern the clemency process. Specifically, of Paroles provide him, among other things, regulations. policies. practices, and/or procedures that will govern the clemency process.

(Exhibit 2, 8/23/99 Letter From Minton To Drake);

on September 7, 1999, the Board of Paroles sent Mr. Workman (1) a July

12, 1996, Memorandum respecting Clemency Applications; (2) a February

23, 1996, document titled Governor's Guidelines for Pardons, Commutations & Reprieves; and (3)

an Application For Pardon. (Exhibit 3, 9/7199 Letter From Drake To Minton);

- on September 10, 1999, Mr. Workman thanked the Board of Paroles for the material sent and asked if there existed any additional types of clemency applications or additional regulations, policies, practices, and/or procedures. (Exhibit 4, 9110/99 Letter From Minton To Drake);
- on October 4, 1999, the Board of Paroles informed Mr. Workman that new regulations, policies, practices, and/or procedures were in the process of being drafted and were not currently available. (~ Exhibit 5, 1014/99
 Letter From Minton To Drake).

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For the foregoing reasons, Mr. Workman requests that this Court deny the State's motion to set an execution date.

Respectfully submitted, .

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Saul Belz WARING COX 1300 Morgan Keegan Tower 50 North Front Street Memphis, Tennessee 38103 (901) 543-8000

CERTIFICATE OF SERVICE

I certify that on

placed a copy of the foregoing in the United States mail, first-class postage prepaid, addressed to:

Paul G. Summers Attorney General & Reporter ATTORNEY GENERAL'S OFFICE 425 Fifth Avenue North Nashville, Tennessee 37243

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Christopher M. Minton