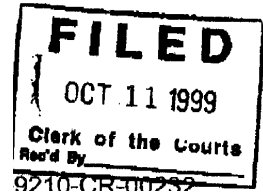


IN THE SUPREME COURT OF TENNESSEE AT JACKSON
STATE OF TENNESSEE



PHILIP R. WORKMAN,)
Petitioner,)
v.)
STATE OF TENNESSEE)
Respondent.)

No. 02-C-01-9210-CR-00232

SUPPLEMENTAL RESPONSE TO MOTION TO SET DATE FOR EXECUTION

On October 8, 1999, Mr. Workman traveled to the Board of Paroles and requested clemency applications and any guidelines, rules, etc., that would be used to govern the clemency process. Ms. Donna Drake provided Mr. Workman (1) an Application For Pardon (Exhibit 6, attached); (2) an Application For Commutation (Exhibit 7, attached); and (3) Board of Paroles Regulations.

One of the reasons Mr. Workman intends to present in support of any clemency request he files is that he is actually innocent of any capital offense. The materials provided Mr. Workman indicate that the Governor and Board cannot effectively consider such a claim. Specifically, the Application For Pardon states that "Before a petition for pardon is considered by the Board, the petitioner shall have completed his sentence (Exhibit 6 at 4). And the Application For Commutation states that "The availability of commutation of sentence is not intended to serve and will not serve as a review of .. the guilt or innocence of the petitioner." (Exhibit 7 at 4).

Given that the materials provided Mr. Workman do not offer him the opportunity for presenting innocence as a ground for clemency, on October 11' 1999, Mr. Workman

wrote the Governor's Legal Counsel and Ms. Drake a letter requesting guidance and further information respecting what process is available for presenting innocence, as well as any application, guideline, rule, etc., relevant to that process. (Exhibit 8, attached). Until the Governor's Office and the Board of Paroles establishes what process is available for Mr. Workman's clemency request, informs Mr. Workman of that process, and provides Mr. Workman materials relevant to that process. this Court should not set an execution date.

For the foregoing reasons and those expressed in Mr. Workman's previously filed Response To Motion To Set Date For Execution, this Court should deny the State's present motion to set an execution date.

Respectfully submitted

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CERTIFICATE OF SERVICE

I certify that on

_____, I 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

Christopher M. Minton