

(ORDER LIST: 532 U.S.)

THURSDAY, MARCH 29, 2001

CERTIORARI DENIED

00-9198 WORKMAN, PHILIP RAY V. SUMMERS, PAUL, ET AL.,
(00A849)

The application for stay of execution of sentence of death presented to Justice Stevens and by him referred to the Court is denied. The petition for a writ of certiorari is denied.

Cite as: ___ U.S. ___ (20__)

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STEVENS, J. dissenting

SUPREME COURT OF THE UNITED STATES

No. 00-9198 (00A850)

IN RE PHILIP RAY WORKMAN

**ON APPLICATION FOR STAY AND PETITION FOR
WRIT OF HABEAS CORPUS**

[March 29, 2001]

The application for stay of execution of sentence of death presented to JUSTICE STEVENS and by him referred to the Court is denied. The petition for a writ of habeas corpus is denied.

Statement of JUSTICE STEVENS, with whom JUSTICE SCUTER and JUSTICE BREYER join, respecting the denial of the petition for writ of habeas corpus.

As Judge Merritt pointed out in his opinion dissenting from the Court of Appeals' denial of relief last January, see *Workman v. Bell*, 232 F.3d 381, 392 (2001), this petitioner has raised serious questions concerning his eligibility for the death penalty. When this Court reviewed petitioner's applications for relief in February, I was persuaded that those claims were sufficiently serious to require a full evidentiary hearing before a factfinder. The majority of the Court, however, did not share that opinion. I remain of the view that such a hearing should be held, but acknowledge that the issue is effectively foreclosed by the action that the Court took in February.