

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PHILIP R. WORKMAN,)	
)	
Plaintiff,)	
)	
v)	No.
)	
)	
DR. BRUCE LEVY, in his official capacities)	CAPITAL CASE
as the Chief Medical Examiner for the)	EXECUTION DATE
State of Tennessee and Medical)	1 A.M., MARCH 30, 2001
Examiner for the Metropolitan)	
Government of Nashville and)	
Davidson County, Tennessee; and)	
)	
Ricky BELL, in his official capacity as)	
Warden, Reverend Maximum)	
Security Institution.)	

C O M P L A I N T

I N T R O D U C T I O N

1. On March 30, 2001, at 1:00 a.m., the State of Tennessee intends to kill Plaintiff Philip Workman by lethal injection. Thereafter, Defendant Dr. Bruce Levy intends to perform an autopsy on Mr. Workman's body. Because performing that autopsy would violate a sincere religious belief held by Mr. Workman, pursuant to 42 U.S.C. § 1983 this Court should enjoin Dr. Levy from performing it.

PARTIES

1. Plaintiff Billy Workman is a resident of the United Methodist Church of Security Institution, Nashville, Davidson County, Tennessee.

2. Defendant Dr. Bruce Levy is the Chief Medical Examiner for the State of Tennessee and for the Metropolitan Government of Nashville and Davidson County, Tennessee. Mr. Workman sues Dr. Levy in his official capacities.

4. Defendant Rick Bell is the Warden of Reverend Maximum Security Institution. Mr. Workman sues Warden Bell in his official capacity.

JURISDICTION/VENUE

5. In this action, Mr. Workman seeks injunctive relief pursuant to 42 U.S.C. § 1983.

6. Mr. Workman's 1983 claim arises from a federal statute. This Court therefore has jurisdiction over that claim pursuant to 28 U.S.C. § 1331.

7. Venue is proper in Tennessee's Middle District because the injury Mr. Workman seeks to prevent would occur in the Middle District. 28 U.S.C. § 1391.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Mr. Workman is unaware of any State administrative remedy for requesting that Dr. Levy not perform an autopsy on his body. Therefore, Plaintiff has satisfied the exhaustion requirements of 42 U.S.C. § 1997e(a).

FACTS

9. The State of Tennessee intends to execute Mr. Workman on March 30, 2001, at 1:00 a.m., by lethal injection.

10. After any execution of Mr. Workman, Warden Bell intends to give Mr. Workman's body to Dr. Levy who intends to perform thereafter an autopsy on Mr. Workman's body.

11. During the autopsy Dr. Levy will, among other things, cut open Mr. Workman's body, sever organs from the body, and dissect the severed organs.

12. Mr. Workman has a sincerely held religious belief that treating his body as discussed in paragraph 11 would be a mutilation of his body amounting to a desecration of a Temple of God. See 1/29/01 Declaration of Philip R. Workman, attached as Exhibit 1.

13. Since it will be the State itself that will kill Mr. Workman using a methodology that was developed and planned by a physician at the request of the State and the State will carry out the homicide as planned there will be no question concerning the cause of death.

14. According to a July 30, 1998, memorandum from Bob Bradford, who ironically is the Director of Health Services for the Tennessee Department of Corrections, he checked with DSNF Medical Director, Dr. Capobianco, who intern checked with an Anesthesiologist, Dr. Hyman, to confirm the drugs and dosages for lethal injection. Apparently, Dr. Capobianco, advised Mr. Bradford that Sodium Pentathol should be administered first, followed by Pavulon, and then Postassium Chloride. (Attached as Exhibit 2.)

15. A separate document obtained from the Department of Corrections advises as to the cost of each chemical as follows:

Pavulon	10ml vial	25/carton	\$400
Sodium Pentathol	1 gram vial	25/carton	\$200
Potassium Chloride	60ml vial	25/carton	\$30

(Attached as Exhibit 3.)

15. Yet another document procured from the Department of Corrections lists the amount of each drug to be used as: Sodium Pentathol --- 40 ccs; Pancuronium Promide (Pavilon) --- 40 ccs, Potassium Chloride --- 40 ccs. (Attached as Exhibit 4.) Yet another document lists the amount actually used as 50 ccs of each chemical. (Attached as Exhibit 5.)

16. Finally, the Department sets out a minute by minute schedule to commit the homicide which is carefully recorded. (See Attached Exhibit 6.)

17. Under the circumstances of this killing, which is fully planned by the State, with the assistance of medical doctors, and witnessed by numerous people, including members of the press, there is absolutely no reason to permit an autopsy over the religiously based objection of Mr. Workman.

CLAIM FOR RELIEF

42 U.S.C. § 1983/FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

18. Mr. Workman incorporates the preceding paragraphs.

19. Mr. Workman's sincerely held religious belief outweighs any interest Dr. Levy may have in performing an autopsy on his body.

20. Dr. Levy cannot prove that performing an autopsy on Mr. Workman's body is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.

WHEREFORE, Mr. Workman respectfully requests that this Court,

1. Enjoin Warden Bell from giving Mr. Workman's body to Dr. Levy;

2. Enjoin Dr. Levy from performing an autopsy on Mr. Workman's body;
3. Award costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and
4. Order such other relief as this Court deems just.

Respectfully submitted,

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Post-Conviction Defender

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