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EN THE LEONARD GREEN, CHARLES STATES COURT OF APPEALS FOR THE SOUTH CIRCUIT

PHILIP R. WORKMAN,

Petitioner-Appellant,

No. 96-6666 MAR 1 9 2001

RICKY BELL, Warden,

Respondent-Appellec.

In re: PHILIP R. WORKMAN,

Movant

No. 00-5367

DEATH PENAL TY PLABEAS CORPUS PROCEEDING EXECUTION DATE: 3/38/01 1:00 s.m.

MOTION FOR STAY OF EXECUTION

Donald E. Dawson Post-Conviction Defender State of Tennessee

Christopher M. Minton
Assistant Post-Cooviction Defender

Office of the Post-Conviction Defender 530 Church Street - Suite 600 Nashville, Tennessee 37243 (615) 741 9331

Counsel for Philip Ray Workman

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Philip R. Workman respectfully requests that this Court stay his execution currently set for March 30, 2001, at 1:00 a.m. In support thereof, Workman shows:

- Workman has fixed with this Court a Motion To Reopen And To Appoint
 A Special Master;
- 2. A death sentence cannot be carried out while substantial issues remain outstanding. See Barefrost v. Estelle, 463 U.S. 880, 888, 103 S.Ct. 3383, 77 L.Ed.2d 1090 (1983). For the reasons expressed in the motion pending before this Court and the memorandum filed in support of that motion, Workman presents this Court substantial issues respecting the propriety of his execution.

WHEREFORE, Workman respectfully requests that this Court:

- Stay his March 30, 2001, 1:00 a.m. execution if this Court does not resolve the pending motion prior to that time;
- Stay his March 30, 2001, 1:00 a.m. execution if this Court grants the pending motion; and
 - Order such other relief as this Court deems just.

Respectfully submitted.

Donald E. Dawson

Post-Conviction Defender

State of Tennessee

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Christopher M. Minton

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