

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN v. STATE OF TENNESSEE

No. M1999-01334-SC-DPE-PD

FILED

January 23, 2001

Cecil Crowson, Jr.
Appellate Court Clerk

ORDER

In an order filed October 5, 2000, this Court set an execution date of January 31, 2001, in the case of Philip Ray Workman. On January 22, 2001, Workman filed a motion for stay of execution requesting that this Court stay his execution "so the United States Supreme Court can consider in the normal course of business Mr. Workman's request that it review his case."

Workman has pending in the United States Supreme Court a petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. According to Workman, the next conference date on the United States Supreme Court's calendar is February 16, 2001, and his certiorari petition will not be resolved in the normal course of business prior to January 31, 2001, the date scheduled for his execution.

We have previously refused to enter a stay under these circumstances, where a death-sentenced inmate contended that the date set by this Court interferes with the federal courts' ability to consider his claims in an orderly and judicious manner. See Coe v. State, 17 S.W.3d 251 (Tenn. 2000). As we did in that case, we hold that a request for stay of execution in order to litigate claims in a federal court is more appropriately addressed to that court.

Upon due consideration, the Court concludes that the motion should be and is hereby DENIED.

PER CURIAM

Birch, J., filed a separate dissenting order.