

FILED
November 29, 1999
Cecil Crowson, Jr.
Appellate
Court Clerk

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN,	)	
Respondent/ Defendant,	)	
v.	)	S.Ct. No. 02S01-9910-CR-
00096	)	
STATE OF TENNESSEE,	)	
Movant.	)	

MOTION TO SET DATE FOR EXECUTION

The State of Tennessee moves this Court to set a date of execution for the defendant, Philip Ray Workman (AWorkman@). On March 10, 1997, this Court stayed Workman's execution pending final resolution of his petition for federal habeas corpus relief. On October 30, 1998, the United States Court of Appeals for the Sixth Circuit affirmed the district court's order denying Workman habeas corpus relief and granting summary judgment in favor of the State on all of Workman's claims. *Workman v. Bell*, 178 F.3d 759 (6th Cir. 1998). Workman petitioned the United States Supreme Court for a writ of certiorari to review the Sixth Circuit's judgment, and, on October 4, 1999, the Supreme Court denied certiorari.

On the same date, October 4, 1999, the State of Tennessee moved this Court to set a date for execution. On October 11, 1999, this Court denied the State's motion, citing U.S.Sup.Ct.R. 44.2, which provides for the filing of a petition to rehear a denial of certiorari within 25 days of such denial. This Court further directed the State to file a new motion to set a date for execution should such a petition to rehear be denied by the United States Supreme Court. On October 29, 1999, Workman filed a petition to rehear with the United States Supreme Court, and, on November 29, 1999, the Court denied his petition.

WHEREFORE, the State of Tennessee respectfully requests that this Court enter an order setting a date of execution for Philip Ray Workman, that such date of execution be set for no later than seven (7) days after the issuance of said order, and that this Court further order such execution to proceed except upon further order of this Court, a federal court of competent jurisdiction, or the Governor of the State of Tennessee.

Respectfully submitted,

PAUL G. SUMMERS
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion to Set Date for Execution, with attachment, was served on the defendant by facsimile and by mailing same, first-class, postage prepaid, to his counsel: Christopher M. Minton, Esq., 460 James Robertson Parkway, Second Floor, Nashville, Tennessee, 37243, and Saul Belz, Waring Cox, 1300 Morgan Keegan Tower, 50 North Front Street, Memphis, Tennessee, 38103, on this the _____ day of November, 1999.

Joseph F. Whalen

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

PHILIP RAY WORKMAN,)

	Respondent / Defendant,	)	
		)	
v.		)	S.Ct. No. 02S01-9910-CR-00096
		)	
STATE OF TENNESSEE,		)	
Movant.		)	

AFFIDAVIT

I, Joseph F. Whalen, Assistant Attorney General, do hereby swear and affirm that the facts contained in the attached Motion to Set Date for Execution are true and accurate.

Joseph F. Whalen
Assistant Attorney General

Sworn to and subscribed before me
this _____ day of November, 1999.

NOTARY PUBLIC

My Commission Expires _____