

TOWN OF EDWARDS )  
 )  
COUNTY OF DAVIDSON )

**Affidavit of C. EDWARD SCUDDER, JR.**

After being duly sworn, the Affiant states as follows:

My name is C. EDWARD SCUDDER, JR. I am over eighteen years of age, am competent to testify and these statements are based on my personal knowledge.

1. I am a Staff Attorney with the Board of Probation and Parole.
2. The amendments to the Governor's Guidelines for Pardons, Commutations & Reprieves were finalized on or before September 13, 1999. They were received in our office on or before that date as well. We began following the amended guidelines upon receipt.

**FURTHER THE AFFIANT SAITH NOT.**

  
C. EDWARD SCUDDER, JR.

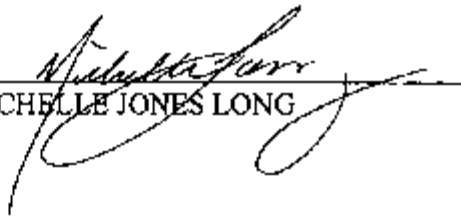
Sworn to and subscribed before me,  
On this, the 8<sup>th</sup> day of October, 1999

  
NOTARY PUBLIC

My commission expires: 1/25/2003



This the 8th day of October, 1999.

  
MICHELLE JONES LONG

Sworn to and subscribed to before  
me this 8th day of October, 1999.

  
NOTARY PUBLIC

My Commission expires: January 26, 2002

**EXHIBIT A**



GOVERNOR'S GUIDELINES FOR PARDONS,  
COMMUTATIONS & REPRIEVES

Issued by Governor Don Sundquist

February 23, 1996

As Amended September 13, 1999

To the Board of Probation and Parole:

Article 3, Section 6 of Tennessee's Constitution provides that the governor shall have the power to grant pardons. The governor also has the power to grant reprieves and commutations. T.C.A. Section 40-27-101. Pursuant to T.C.A. Section 40-28-104(a)(9), the Governor hereby requests the Tennessee Board of Probation and Parole (hereinafter the "Board") to consider and to make nonbinding recommendations concerning requests for pardons, commutations and reprieves. The Board shall have the discretion to make either favorable or unfavorable recommendations. In order to provide guidance to the Board in reviewing petitions for pardons, commutations and reprieves, and in making its recommendations to the Governor, the Governor has established the guidelines set forth below.

The Governor will consider petitions for relief forwarded to him by the Board. The Governor will notify the Board in writing of the Governor's final determination upon a petition submitted to him by the Board. The Board shall advise the petitioner of the Governor's final determination upon a petition submitted to the Governor. At any time before making a final determination on a petition, the Governor may return a petition to the Board for further action, request further information, or both.

These guidelines are advisory only and do not create any enforceable rights in the petitioner, nor do they restrict the Governor in the execution of his powers. The Governor expressly reserves the right to waive any of the non-statutory provisions set forth in these guidelines in any case deemed worthy of special consideration due to extraordinary circumstances. The Governor also expressly reserves the right to deny a petitioner for relief even though the petitioner meets the requirements of these advisory guidelines if the Governor deems that such a denial is warranted.

While the Governor herein requests the Board to make nonbinding recommendations with respect to executive clemency applications, nothing herein shall be construed to require that the Governor receive or request a recommendation from the Board prior to acting upon an application for executive clemency.

State Capitol, Nashville, Tennessee 37243-0001  
Telephone No. (615) 741 2001

## I. Pardons.

Meeting the requirements set forth in these guidelines is merely a threshold inquiry in the consideration for pardon relief. The final determination of whether a pardon will be granted lies with the Governor after a review of the petition and the recommendation of the Board. Before a petition for pardon is considered by the Board, the petitioner shall have completed his sentence, including any community supervision.

In order to provide guidance to the Board in reviewing pardon petitions and in making its recommendations to the Governor, the Governor has established the following criteria:

1. The Governor will give serious consideration to pardon requests where:
  - a. Petitioner has been neither convicted, nor confined under sentence, nor placed under community supervision within five (5) years since the completion of the sentence(s) from which he seeks a pardon; and
  - b. Petitioner has demonstrated good citizenship since the completion of the sentence(s) from which he seeks a pardon, which shall mean both specific achievements and incident-free behavior; and
  - c. Petitioner has demonstrated, with proper verification, a specific and compelling need for a pardon.
2. The petitioner has the obligation to provide written verification of good citizenship and of a compelling and specific need in conjunction with 1(b) and 1(c) above. The demonstration of good citizenship shall, among other things, include written communication from at least five (5) persons other than the petitioner or a member of the petitioner's family verifying the period of good citizenship. In addition, the demonstration of a compelling and specific need for a pardon must be verified, in writing, by at least one (1) source other than the petitioner or a member of the petitioner's family; provided, however, the Board may waive this requirement if the circumstances warrant. Generally, the need for a pardon will not be found compelling when other provisions of the law provide appropriate relief for the petitioner.

## II. Commutations (Non-capital sentences).

Meeting the requirements set forth in these guidelines is merely a threshold inquiry in the consideration for commutation relief. The final determination of whether a commutation will be granted lies with the Governor after a review of the petition and the nonbinding recommendation of the Board. The availability of commutation of sentence is not intended to serve and will not serve as a review of the proceedings of the trial court or the guilt or innocence of the petitioner.

In order to provide guidance to the Board in reviewing commutation petitions and in making its nonbinding recommendations to the Governor, the Governor has established the following criteria:

1. **The Governor will give serious consideration to commutation requests where the petitioner has demonstrated, by clear and convincing evidence, that:**
  - a. **Petitioner has made exceptional strides in self-development and self-improvement, and would be a law-abiding citizen; and either**
    - i. **Petitioner is suffering from a life-threatening illness or has a severe chronic disability, said illness or disability is supported by appropriate medical documentation, and the relief requested would mitigate said illness or disability, or**
    - ii. **Petitioner's parent, spouse or child has a life-threatening illness, said illness is supported by appropriate medical documentation, and the petitioner is the only person able to assist in the care of such person; or**
    - iii. **Petitioner has been rehabilitated, is no longer a threat to society, has demonstrated, to the extent his age and health permit, a desire and an ability to maintain gainful employment and fairness supports the petitioner's application.**
2. **Petitioners eligible for medical furloughs are excepted from falling within section 1(a)(i) and 1(a)(ii) above.**

### **III. Commutations (Capital Sentences).**

**The Governor will also give serious consideration to commutation requests based upon the following statutory grounds:**

1. **Pursuant to T.C.A. Section 40-27-105, upon application for a pardon by a person sentenced to capital punishment, if the Governor is of opinion that the facts and circumstances adduced are not sufficient to warrant a total pardon, the Governor may commute the punishment of death to imprisonment for life in the penitentiary or imprisonment for life without parole in the penitentiary.**
2. **Pursuant to T.C.A. Section 40-27-106, the Governor may commute the punishment from death to imprisonment for life or imprisonment for life without parole, upon the certificate of the supreme court, entered on the minutes of the court, that in its opinion, there were extenuating circumstances attending the case, and that the punishment ought to be commuted.**

### **IV. Reprieves.**

**The final determination of whether a reprieve will be granted lies with the Governor after a review of the petition and the nonbinding recommendation of the Board.**

**The Governor will give serious consideration to reprieve requests where the petitioner has been sentenced to death and has exhausted all possible judicial remedies.**

STATE OF TENNESSEE        )  
  )  
COUNTY OF DAVIDSON        )

**Affidavit of DONNA F. DRAKE**

After being duly sworn, the Affiant states as follows:

My name is DONNA F. DRAKE. I am over eighteen years of age, am competent to testify and these statements are based on my personal knowledge.

1. I am a Sentence Technician with the Board of Probation and Parole. One of my duties is to handle all requests for Pardons and Executive Clemency.

2. Our office has received no oral or written requests for an Application for Pardon Executive Clemency from anyone who indicated that they represented inmate Robert Glen Coe.

3. We did, however, receive a request for an Application for Pardon or Executive Clemency from Christopher M. Minton of the Tennessee Office of the Post-Conviction Defender's Office. (A copy is attached hereto as Exhibit A) Mr. Minton's office indicated to me that they represented Phillip Worknan, a death row inmate. I mailed the Executive Clemency Pardon applications to Mr. Minton's office on September 7, 1999. (A copy of the cover letter is attached hereto as Exhibit B)

4. On October 5, 1999, I received copies of the revised Executive Clemency Pardon application. I forwarded the revised application to Mr. Minton's office (A copy of the cover letter is attached hereto as Exhibit C)

5. Again, our office has not received any oral or written communication from anyone who indicated that they represented Robert Glen Coe. Whenever someone requests an Application for Executive Clemency or Pardon, it is our standard practice to ask the name of the person seeking clemency.

**FURTHER THE AFFIANT SAITH NOT.**

  
\_\_\_\_\_

  
DONNA F. DRAKE

Sworn to and subscribed before me,  
On this, the 2<sup>nd</sup> day of October, 1999

  
NOTARY PUBLIC

My commission expires: 01-26-02



OFFICE OF THE POST-CONVICTION DEFENDER  
460 James Robertson Parkway - 2nd Floor  
Nashville, Tennessee 37243  
Office: (615) 741-9331  
Direct: (615) 253-1986  
Fax: (615) 741-9430

August 23, 1999

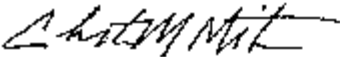
Ms. Donna Drake  
Tennessee Board of Paroles  
404 James Robertson Parkway  
Suite 1300  
Nashville, Tennessee 37243-0850

Dear Ms. Drake:

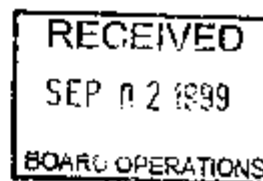
Please forward to me at the above address a petition for clemency and any regulations, policies, practices, and/or procedures that govern the clemency process.

Thank you.

Sincerely,



Christopher M. Minton





STATE OF TENNESSEE  
BOARD OF PROBATION AND PAROLE  
404 JAMES ROBERTSON PARKWAY SUITE 1300  
NASHVILLE, TENNESSEE 37243-0850  
Phone: (615) 741-1673\*(615) 741-5337

September 7, 1999

Office of the Post Conviction Defender  
Christopher M. Minton  
460 James Robertson Parkway-2<sup>nd</sup> Floor  
Nashville, Tennessee 37243

Dear Mr. Minton:

Enclosed please find the Executive Clemency pardon application(s) you requested. If you need any further help please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Donna F. Drake".

Donna F. Drake  
Clerk III

cc: File



U U T J

STATE OF TENNESSEE  
BOARD OF PROBATION AND PAROLE  
404 JAMES ROBERTSON PARKWAY SUITE 1300  
NASHVILLE, TENNESSEE 37243-0850  
Phone: (615) 741-1673\*(615) 741-5337

October 5, 1999

Office of the Post-Conviction Defender  
Christopher Minton  
460 James Robertson Parkway- 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243

Re: Phillip Workman #95920

Dear Mr. Minton:

Enclosed please find the Executive Clemency application(s) you requested. If you need any further help please contact me.

Sincerely,

Donna F. Drake  
Sentence Tech. 2

cc: File