

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN v. STATE OF TENNESSEE

No. M1999-01334-SC-DPE-PD
Filed March 29, 2001 at 4:02 p.m.

DISSENTING ORDER

I agree with the majority that the proceeding currently before the Inter-American Commission on Human Rights fails to provide grounds sufficient for this Court to grant Workman's Motion for a Stay of Execution.

I write separately, however, to yet again emphasize that my view differs from that of the majority with regard to the most important issue now under submission: whether to go forward with Workman's execution. This issue relates back to the setting of an execution date. I declined to join the majority then, as I do now, for in my opinion, an execution date should not have been set in the first place. In prior orders, I have observed that "Workman has raised serious questions concerning whether recently discovered evidence may show that he did not kill Memphis Police Lieutenant Ronald Oliver." To date, these questions remain unaddressed, yet the majority has afforded no relief. As a result, Workman may be executed without ever having had an opportunity to press his claims in an evidentiary hearing before any court. Based upon these concerns, I have consistently dissented from this Court's decisions setting execution dates in this case. Because I did not and still do not agree that it was proper to have set a date for execution in the first place, I dissent from the execution of the death sentence. Given these concerns, I dissent from the majority's decision on the motion before the Court and would grant the stay of execution.

ADOLPHO A. BIRCH, JR., JUSTICE