

OFFICE OF THE
FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF TENNESSEE

MARIAH A. WOOTEN
FIRST ASSISTANT FEDERAL PUBLIC DEFENDER

SUMNER L. CAMP
SUPERVISORY ASS'T FEDERAL PUBLIC DEFENDER

C. DOUGLAS THORESEN
SENIOR LITIGATION COUNSEL

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CARYLL S. ALPERT
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ISAIAH S. GANT, ADMITTED IN ILLINOIS
CAPITAL RESOURCE COUNSEL

JENNIFER N. COFFIN
MICHAEL C. HOLLEY
DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Steven Edward Elkins, Esq.
Legal Counsel to the Governor
State Capitol G-10
Nashville, Tennessee 37243
VIA HAND DELIVERY

Re: Records Request

Dear Mr. Elkins:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you

Elkins Letter, p. 2

fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley J. Henry". The signature is written in a cursive style with a large, stylized initial "K".

Kelley J. Henry
Assistant Federal Public Defender

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CAPITAL RESOURCE COUNSEL

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DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Governor Phil Bredesen
State Capitol
First Floor
Nashville, Tennessee 37243-0001
VIA HAND DELIVERY

Re: Records Request

Dear Governor Bredesen:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

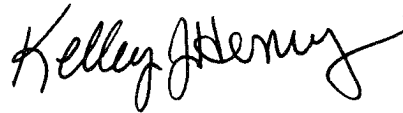
If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you

Bredesen Letter, p. 2

fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, reading "Kelley J. Henry". The signature is written in a cursive style with a large, sweeping "K" and a long, trailing flourish at the end.

Kelley J. Henry
Assistant Federal Public Defender

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RESEARCH ATTORNEYS

April 26, 2007

Commissioner George M. Little
Tennessee Department Of Correction
Rachel Jackson Building
Sixth Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-1400
VIA HAND DELIVERY

Re: Records Request

Dear Commissioner Little:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am

Little Letter, p. 2

requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley J. Henry". The signature is written in a cursive style with a large, prominent initial "K".

Kelley J. Henry
Assistant Federal Public Defender

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CAPITAL RESOURCE COUNSEL

JENNIFER N. COFFIN
MICHAEL C. HOLLEY
DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

General Counsel Debbie Inglis
Tennessee Department of Correction
Rachel Jackson Building
Fourth Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0465
VIA HAND DELIVERY

Re: Records Request

Dear Ms. Inglis:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

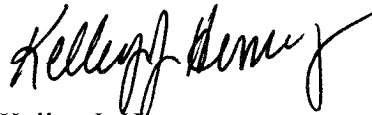
If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am

Inglis Letter, p. 2

requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

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Kelley J. Henry
Assistant Federal Public Defender

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CAPITAL RESOURCE COUNSEL

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DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Julian Davis
Executive Assistant to the Commissioner
Rachel Jackson Building
Sixth Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0465
VIA HAND DELIVERY

Re: Records Request

Dear Mr. Davis:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

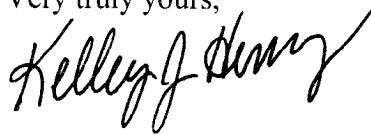
If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am

Davis Letter, p. 2

requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley J. Henry". The signature is written in a cursive, flowing style.

Kelley J. Henry
Assistant Federal Public Defender

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CAPITAL RESOURCE COUNSEL

JENNIFER N. COFFIN
MICHAEL C. HOLLEY
DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Assistant Commissioner Roland Colson
Tennessee Department of Correction
Rachel Jackson Building
Sixth Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0465
VIA HAND DELIVERY

Re: Records Request

Dear Assistant Commissioner Colson:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

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Colson Letter, p. 2

requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

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Kelley J. Henry
Assistant Federal Public Defender

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CAPITAL RESOURCE COUNSEL

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DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Assistant Commissioner Gayle Ray
Rachel Jackson Building
Sixth Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0465
VIA HAND DELIVERY

Re: Records Request

Dear Assistant Commissioner Ray:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

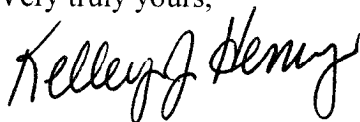
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Ray Letter, p. 2

or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

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Kelley J. Henry
Assistant Federal Public Defender

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MIDDLE DISTRICT OF TENNESSEE

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CAPITAL RESOURCE COUNSEL

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MICHAEL C. HOLLEY
DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Attorney General Robert E. Cooper, Jr.
425 Fifth Avenue North
Nashville, Tennessee 37243
VIA HAND DELIVERY

Re: Records Request

Dear Attorney General Cooper:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

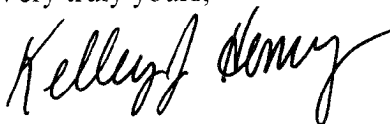
If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you fail to provide any or all records or documents requested in this letter that you specifically provide a

Cooper Letter, p. 2

Vaughn Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley J. Henry". The signature is written in a cursive style with a large, sweeping initial "K".

Kelley J. Henry
Assistant Federal Public Defender

OFFICE OF THE
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JENNIFER N. COFFIN
MICHAEL C. HOLLEY
DEAN ROSS
RESEARCH ATTORNEYS

April 26, 2007

Warden Ricky Bell
Riverbend Maximum Security Institution
7475 Cockrill Bend Industrial Blvd.
Nashville, Tennessee 37209
VIA HAND DELIVERY

Re: Records Request

Dear Warden Bell:

As you may be aware, yesterday, Davison County Chancellor Claudia Bonnyman ruled in a lawsuit filed by the *Nashville Scene* that records created following the Governor's Executive Order #43, involving the creation of proposed new execution procedures and protocols, are not privileged under the Tennessee Public Records Act and must be disclosed.

As counsel for Philip Workman and as a citizen of the state of Tennessee, pursuant to the Tennessee Public Records Act, I am therefore requesting that you and any member of your office provide me any and all records in any form whatsoever (including, but not limited to, handwritten, typed, computer processed, wordprocessed, digital, including e-mail and all other correspondence) concerning: Any and all matters regarding any decision to impose a moratorium under Executive Order #43 and the choice of February 1, 2007 as the start date for the moratorium and May 2, 2007 as the date for the moratorium to expire; The imposition of a moratorium and issuance of Executive Order #43; Any record, document or communication (including, but not limited to, any discussion, research, review, telephone call, e-mail, text message, correspondence or transmission or receipt by you or from you at any time and in any type whatsoever, of information of any sort, including, but limited to, information exchanged or provided at any meeting of any working group involved in the review of execution protocols) concerning the review, revision, and analysis of new or proposed protocols or procedures before or after the issuance of Executive Order #43; and Any and all other records or documents (including but not limited to notes, memoranda, drafts, and other materials) concerning the analysis of prior protocols and procedures in Tennessee, protocols and procedures from other jurisdictions, and the analysis, drafting, and creation of new execution protocols.

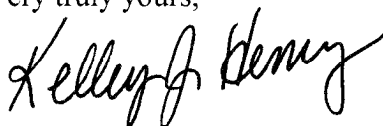
If you have any such documents or materials, I am requesting that you allow me to inspect them immediately and that you provide my office a hard copy or allow my office to copy all such materials. If you ever had any such requested materials but are no longer in possession of such materials, I am requesting that you specifically identify each document you are not providing and the identity of the person or place where those documents or records were transmitted, and when. I am also requesting that if you

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fail to provide any or all records or documents requested in this letter that you specifically provide a *Vaughn* Index of any and all such documents, identifying with specificity each particular document that you are not providing as I am requesting, and explaining any basis upon which you are not providing access to any such record or document.

Thank you for your cooperation and immediate attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelley J. Henry". The signature is written in a cursive, flowing style with a large initial "K".

Kelley J. Henry
Assistant Federal Public Defender