

FILED 4-11-01
WILLIAM R. KEY, CLERK
BY *IMC* D.C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE,

v.

No. B81208

PHILIP R. WORKMAN

Defendant.

MOTION FOR LEAVE TO SEEK INTERLOCUTORY APPEAL

Comes now your Defendant, Philip R. Workman, pursuant to Rule 9(b) of the Tennessee Rules of Appellate Procedure, and moves this court to enter an order allowing interlocutory appeal of the "Order to Produce all Unedited Video Tapes, Audio Tapes, Written Statements of Harold Davis in the Possession of the Defendant and Order of Protection" entered by the Court on April 9, 2001, and the "Order Setting Hearing Date on Defendants Petition for Writ of Error Coram Nobis, for April 23, 2001" entered on April 9, 2001, and "Order" entered on April 11, 2001. Specifically, counsel requests the following issues be certified to the Tennessee Court of Criminal Appeals:

- a. Whether or not the trial court has jurisdiction in this cause, before the mandate from the Supreme Court has been filed with the trial court clerk, in accordance with Rule 43 of the Tennessee Rules of Appellate Procedure?
- b. Whether this court has jurisdiction to order production of witness statements 24 hours prior to the testimony of a witness, when Rule 26.2 of the Tennessee Rules of Criminal Procedure specifically provides that such statement should not be provided until after the witness testifies?
- c. Whether the trial court committed error by setting a hearing on April 23, 2001, providing defense counsel less than two weeks notice to prepare for the hearing?

Counsel submits that an interlocutory appeal is needed (1) in order to prevent irreparable injury and (2) to prevent needless and protracted litigation.

Respectfully Submitted,

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By: *Robert L. Hutton*
Robert L. Hutton #15496

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing by hand delivery to John Campbell, 201 Poplar Avenue, Memphis, Tennessee, 38103 this 11 day of April, 2001.

Robert J. Hill