

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

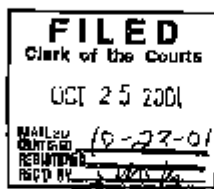
STATE OF TENNESSEE

Respondent,

v.

PHILIP R. WORKMAN

Defendant/Applicant.



No. W2001-01920-CCA-R10-PD

**MOTION FOR STAY OF TRIAL COURT PROCEEDINGS PENDING RESOLUTION
OF RULE 10 APPLICATIONS CURRENTLY PENDING BEFORE THE COURT OF
CRIMINAL APPEALS**

COMES NOW your applicant, Philip R. Workman, through his undersigned counsel of record, and moves this Court to stay proceedings in the trial court pending resolution of two interlocutory appeals filed pursuant to T.R.A.P. 10 currently pending before this court. In support of this motion, your applicant would show unto the court as follows:

1. On August 10, 2001, this Honorable Court issued its opinion upon a Rule 10 Application filed by Workman. In that opinion, the CCA held that Rules 3, 8, and 12 of the Tennessee Rules of Civil Procedure apply in coram nobis proceedings. Additionally, this Court held that discovery in coram nobis proceedings would be governed by the Rules of Criminal Procedure.
2. Notwithstanding, this court's August 10 opinion, the trial court has refused to require the state to file an answer which complies with Rules 3, 8 and 12 of the Rules of

Civil Procedure. Additionally, the trial court ordered petitioner to provide the state information concerning expert witnesses outside the scope of Rule 16 of the Rules of Criminal Procedure.

3. Consequently on September 21, 2001, Workman filed two additional Rule 10 Applications, to force the trial court to comply with this court's order dated August 10, 2001. Additionally, Workman filed a Rule 11 Application seeking the Supreme Court to review this court's August 10, 2001 Order.

4. By order dated September 28, 2001, this court stayed resolution of petitioner's Rule 10 Applications pending resolution of the Rule 11 Application to the Supreme Court of Tennessee.


5. The trial court currently has proceedings scheduled for November 5, 2001. If the proceedings in the trial court are not stayed, petitioner will be required to provide the state discovery not allowed under Rule 16 of the Tennessee Rules of Criminal Procedure. Additionally, petitioner will have been required to go forward without the benefit of an answer filed by the state, specifically admitting or denying which facts are contested.

6. The proceedings should be stayed in the trial court pending this court's resolution of the Rule 10 Applications pending before it.

WHEREFORE, PREMISES CONSIDERED, Workman prays that the proceedings be stayed.

Respectfully Submitted,

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