

Nos. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

**PHILIP R. WORKMAN,
Petitioner,**

v.

**RICKY J. BELL, Warden,
Respondent.**

**In re PHILIP R. WORKMAN,
Movant.**

**RESPONSE IN OPPOSITION TO PETITIONER'S
MOTION FOR STAY OF EXECUTION OF DEATH SENTENCE**

**PAUL G. SUMMERS
Attorney General & Reporter
State of Tennessee**

**MICHAEL E. MOORE
Solicitor General**

**GORDON W. SMITH
Associate Solicitor General**

**JOSEPH F. WHALEN
Assistant Attorney General
Counsel of Record
425 Fifth Avenue North
Nashville, Tennessee 37243
(615) 532-7911**

Counsel for Respondent

On the basis of petitioner Workman's Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, filed this day, March 29, 2001, he also files with this

Court a motion to stay execution of his sentence of death, which is set for March 30, 2001.

In order to secure a stay of execution, petitioner must demonstrate a substantial likelihood of success on the merits of his petition. For the reasons set forth in respondent's brief in opposition to the Petition for Writ of Certiorari, the petition is without merit and should be denied. Accordingly, petitioner has not demonstrated and cannot demonstrate a substantial likelihood of success on the merits of the petition.

Petitioner's motion to stay execution of his sentence of death should be denied.

Respectfully submitted,

PAUL G. SUMMERS
Attorney General & Reporter
State of Tennessee

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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded to counsel for the petitioner by facsimile to Christopher M. Minton, Office of the Post-Conviction Defender, 530 Church Street, Suite 600, Nashville, Tennessee 37243 on this the 26th day of March, 2001.

JOSEPH F. WHALEN
Assistant Attorney General