

IN THE TENNESSEE SUPREME COURT

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In re Philip Workman,)
Movant.)

APPELLATE COURT CLERK
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PETITION FOR EVIDENTIARY HEARING ON CLAIM OF ACTUAL INNOCENCE

Pursuant to this Court's full, plenary, and discretionary inherent power to regulate the judiciary, See Petition of Bursor, 909 S.W.2d 768, 772-75 (Tenn. 1995), Movant Philip Ray Workman respectfully requests that this Court order an evidentiary hearing on Workman's claim of actual innocence. In support thereof, Workman shows:

1. If Workman did not fire the bullet that killed Memphis Police Lieutenant Ronald Oliver, then Workman is innocent of first-degree murder. State v. Sevens, 759 S.W.2d 935 (Tenn.Crim.App. 1988)

2. Workman's evidence demonstrates that he did not fire the fatal shot:

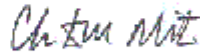
a. An x-ray taken of Oliver's chest demonstrates that the fatal bullet did not fragment in Oliver's chest. Based on this fact two experts report that the bullet that killed Oliver did not come from Workman's gun;

b. The only witness who claimed to have seen Workman shoot Oliver admits that he lied at Workman's trial. Vivian Porter, a disinterested witness, confirms that Davis did not see Workman shoot Oliver - she was with him blocks away from the scene when Oliver was shot.

c. After reviewing Workman's evidence, seven judges of the United States Court of Appeals for the Sixth Circuit wrote that Workman was entitled to a hearing on his claim of actual innocence.

d. After reviewing Workman's evidence, three Justices of the United States Supreme Court wrote that Workman has "raised serious questions concerning his eligibility for the death penalty" and a hearing before a factfinder is required.

3. This Court is Workman's last chance to avoid execution. The public interest lies in having a court, somewhere, hear evidence that Workman is innocent and should not be executed. This Court should exercise its inherent power to prevent a miscarriage of justice. It should stay the execution and appoint a factfinder to take evidence on Workman's innocence.



Christopher M. Minton,
Assistant Post-Conviction Defender
530 Church Street - Suite 600
Nashville, Tennessee 37243
(615) 253-1986