

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON

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STATE OF TENNESSEE,

v.

CCA No. \_\_\_\_\_

PHILIP R. WORKMAN,

Shelby County No. B81209

Defendant.

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**MOTION FOR STAY OF PROCEEDINGS IN TRIAL COURT  
PENDING DISPOSITION OF INTERLOCUTORY APPEAL**

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COMES NOW your Applicant, Philip R. Workman, through his undersigned counsel of record, and moves this Court pursuant to Rule 9(f) of the Tennessee Rules of Appellate Procedure to stay proceedings in the trial court pending a resolution of the Application for Interlocutory Appeal filed pursuant to Rules 9 and 10 of the Tennessee Rules of Appellate Procedure in this case. In support of this motion, your Applicant would show unto the Court as follows:

1. Contemporaneously with this Motion, Philip R. Workman is filing an “Application for Permission to Appeal Pursuant to Rules 9 & 10, Tennessee Rules of Appellate Procedure.” Pursuant to Tenn. R. App. P. 9, Judge Colton of the Criminal Court of Shelby County, Tennessee, certified three questions to this Court:

- a. Whether the Trial Court has jurisdiction to enter orders in this case, prior to the filing of the mandate from the Supreme Court with the Trial Court clerk.
- b. Whether the Trial Court has authority to order production of witness statements 24 hours prior to

such witnesses testimony, notwithstanding Rule 26.2 of the Tennessee Rules of Criminal Procedure.

- c. Whether the Trial Court erred by entering an order on April 9, 2001 setting a hearing date for Monday April 23, 2001.

2. Because these issues raise serious questions concerning the court's jurisdiction, and because failure to stay these proceedings will in effect prevent Mr. Workman from getting the meaningful hearing the Supreme Court required in its Opinion, this Court should stay proceedings in the trial court until resolution of this appeal. Otherwise, the trial court's actions will create additional grounds for litigation due to the trial court's actions without jurisdiction, and forcing counsel to conduct a critical hearing without time to prepare, and the ability to secure necessary witnesses.

3. Rule 9(f) of the Tennessee Rules of Appellate Procedure provides in relevant part as follows:

**Effect on trial court proceedings.** The application for permission to appeal or the grant thereof shall not stay proceedings in the trial court unless the trial court or the appellate court or a judge thereof shall so order.

For the foregoing reasons, and all reasons raised in the Application for Permission to Appeal filed contemporaneously herewith, Philip Workman prays that a stay of proceedings in the trial court be granted until disposition of this appeal.

Respectfully Submitted,

**GLANKLER BROWN, PLLC**  
1700 One Commerce Square  
Memphis, TN 38103  
(901) 525-1322

By: \_\_\_\_\_  
Robert L. Hutton #15496

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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing to John Campbell,  
201 Poplar Avenue, Memphis, Tennessee, 38103 and Glen Pruden, P.O. Box 20207,  
Nashville, Tennessee 37202, this \_\_\_\_\_ day of April, 2001.

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