

PUBLIC

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Further information on EXTRA 04/01 (AMR 51/009/2001, 16 January 2001) and follow-ups (AMR 51/019/2001, 5 February and AMR 51/034/2001, 1 March 2001) - Death penalty / Legal concern

USA (Tennessee) Philip Ray WORKMAN, white, aged 45

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Philip Workman's execution was stopped about half an hour before he was scheduled to be put to death at 1am on 30 March in Tennessee. The state Supreme Court, which issued the stay, had finally been persuaded to grant an evidentiary hearing into claims that Workman did not fire the bullet that killed Memphis police officer Lieutenant Ronald Oliver during a robbery in 1981. The witnesses were already in the witness room next to the execution chamber when the stay came through.

The stay was issued after the Governor of Tennessee had denied clemency on 27 March, despite the fact that two state Supreme Court judges had previously suggested that this was a case which warranted executive clemency. The governor reportedly listed four criteria for his decision: 1. I am convinced Philip Workman is guilty of the crime for which he was sentenced to death; 2. This case involves the matter of a law enforcement officer; 3. The punishment is appropriate under the law; and 4. I am confident that he has had adequate access to the courts.

On 29 March, three of the nine US Supreme Court Justices voted to stop the execution. One of the three, Justice John Paul Stevens, said that he believed Workman's claims were "sufficiently serious to require a full evidentiary hearing". Numerous other judges, including seven on the federal Sixth Circuit Court of Appeals who last year voted for an evidentiary hearing, have also had doubts about the reliability of Workman's conviction. It is difficult to square their opinions with the Governor's absolute confidence in Workman's conviction. Speaking after the governor's denial of clemency, one of Workman's lawyers said "I think he missed an opportunity to demonstrate courage and statesmanship".

In its last-minute decision, taken after years of rejecting the call for an evidentiary hearing, the Tennessee Supreme Court wrote: "Workman has raised serious questions regarding whether he fired the shot that killed Memphis Police Lieutenant Ronald Oliver... No court in this State has actually held a hearing to fully evaluate the strength of these claims". Granting the hearing, the Court said: "Workman will have the opportunity to establish that newly discovered evidence may have resulted in a different judgement if the evidence had been admitted at the previous trial. If he makes this showing, and if he also establishes that he "was without fault" in failing to prevent the newly discovered evidence at the appropriate time, he will be entitled to a new trial."

According to reports, the governor received more than 28,000 appeals in the Workman case, most of them urging clemency. The *Tennessean* newspaper reported that a vigil shortly before the planned execution "culminated months of protests against Workman's execution by international humanitarian organization such as Amnesty International and religious groups such as Tennesseans for a Moratorium on Executions, a coalition formed last fall of more than 50 religious and other organizations".

Philip Workman's lawyers have asked for their thanks to be passed on to all those who sent appeals. No further action is necessary by the UA Network.