

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

April 18, 2000

Cecil Crowson, Jr.
Appellate Court Clerk

ROBERT GLEN COE,)
)
Plaintiff-Appellee,)
)
)
v.)
)
DON SUNDQUIST, Governor)
of the State of Tennessee,)
et al.,)
)
Defendants-Appellants.)

DAVIDSON COUNTY
CIRCUIT COURT
NO. _____

**MOTION TO ASSUME JURISDICTION,
OR, IN THE ALTERNATIVE MOTION TO VACATE STAY**

The defendants-appellants respectfully request this Court to assume jurisdiction of this Rule 9, T.R.A.P. appeal. In support of this motion, the defendants-appellants would show that the trial court has set aside this Court's order directing Robert Glen Coe's execution on April 19, 2000. For the reasons stated in the contemporaneously filed Rule 9, T.R.A.P., application, the trial court erred. This case is one of unusual public importance in which there is a special need for expedited decision. Pursuant to Tenn. Code Ann. § 16-3-201(d), this Court should assume jurisdiction of this appeal. In the alternative, should this Court believe that a motion to assume jurisdiction is inappropriate, the defendants-appellants request that the stay be vacated. The order of the circuit court, in effect, reverses an order of this Court. It is respectfully submitted that this Court has inherent authority in aid of its jurisdiction immediately to vacate such unlawful interference with the enforcement of its

order.

Respectfully submitted,

MICHAEL E. MOORE
Solicitor General

GORDON W. SMITH
Associate Solicitor General
425 Fifth Avenue North
Nashville, Tennessee 37243

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded by facsimile transmission and first class mail, postage prepaid, to James H. Walker, 601 Woodland Street, Nashville, Tennessee 37206, and George Edward Barrett, BARRETT, JOHNSTON & PARSLEY, 217 Second Avenue, North, Nashville, Tennessee 37201, William R. Willis, Jr., WILLIS & KNIGHT, 215 Second Avenue, North, Nashville, TN 37201, Cecil D. Branstetter, BRANSTETTER, KILGORE, STANCH & JENNINGS, 227 Second Avenue, North, Fourth Floor, Nashville, Tennessee 37201 on this the 18th day of April, 2000.

GORDON W. SMITH
Associate Solicitor General