

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

**FILED**

November 29, 1999

Cecil Crowson, Jr.  
Appellate Court Clerk

ROBERT GLEN COE, )  
 )  
 Respondent/Defendant, )

v. )  
 00098 )

S.Ct. No. 02S01-9910-CR-

STATE OF TENNESSEE, )  
 )  
 Movant. )

**MOTION TO SET DATE FOR EXECUTION**

The State of Tennessee moves this Court to set a date of execution for the defendant, Robert Glen Coe (ACoe@). On November 16, 1998, the United States Court of Appeals for the Sixth Circuit reversed the district court's grant of habeas corpus relief. *Coe v. Bell*, 161 F.3d 320 (6th Cir. 1998). Coe's petition to rehear was denied by the Court of Appeals on February 23, 1999. On April 19, 1999, this Court set a date of execution for Coe of October 19, 1999. On June 2, 1999, Coe petitioned the United States Supreme Court for a writ of certiorari to review the Sixth Circuit's judgment, and, on October 4, 1999, the Supreme Court denied certiorari. A petition to reconsider and/or rehear, filed by Coe on October 5, 1999, with the United States Court of Appeals for the Sixth Circuit, was denied by that Court on October 12, 1999.

On October 8, 1999, Coe moved this Court for a stay of his October 19, 1999, execution date. On October 11, 1999, citing U.S.Sup.Ct.R. 44.2, this Court granted Coe's motion and stayed his execution pending the filing of a petition to rehear the denial of certiorari with the United States Supreme Court. This Court further directed the State, in the event such a petition to rehear was denied, to file a motion to set a date for execution. On October 29, 1999, Coe filed a petition to rehear with the United States Supreme Court, and, on November 29, 1999, the Court denied his petition.

WHEREFORE, the State of Tennessee respectfully requests that this Court enter an order setting a date of execution for Robert Glenn Coe, that such date of execution be set for no later than seven (7) days after the issuance of said order, and that this Court further order such execution to proceed except upon further order of this Court, a federal court of competent jurisdiction, or the Governor of the State of Tennessee.

Respectfully submitted,

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PAUL G. SUMMERS  
Attorney General & Reporter  
B.P.R. No. 6285

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GLENN R. PRUDEN  
Assistant Attorney General  
425 Fifth Avenue North  
Nashville, Tennessee 37243  
(615)741-3487  
B.P.R. No. 15333

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion to Set Date for Execution, with attachment, was served on the defendant by facsimile and by mailing same, first-class, postage prepaid, to his counsel: Henry A. Martin and Paul R. Bottei, Office of the Federal Public Defender, 810 Broadway, Suite 200, Nashville, Tennessee 37203, and James H. Walker, 601 Woodland Street, Nashville, Tennessee, 37206, on this the \_\_\_\_\_ day of November, 1999.

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Glenn R. Pruden  
Assistant Attorney General

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**ROBERT GLEN COE,** )  
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**Respondent/Defendant, )**

**v.** )

**S.Ct. No. 02S01-9910-CR-00098**

**STATE OF TENNESSEE,** )  
 )  
**Movant.** )

**AFFIDAVIT**

I, Glenn R. Pruden, Assistant Attorney General, do hereby swear and affirm that the facts contained in the attached Motion to Set Date for Execution are true and accurate.

\_\_\_\_\_  
Glenn R. Pruden  
Assistant Attorney General

Sworn to and subscribed before me  
this \_\_\_\_\_ day of November, 1999.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_