

IN THE SUPREME COURT OF TENNESSEE

FILED
March 30, 2000
Cecil Crowson, Jr.
Appellate Court Clerk

ROBERT GLEN COE,)
)
Respondent,)
)
V.)
)
STATE OF TENNESSEE,)
)
Movant.)

S.Ct. No. M1999-01313-SC-DPE-PD

ORDER

On December 15, 1999, this Court entered an order setting the execution of Robert Glen Coe for March 23, 2000, and remanded the case to the Criminal Court of Shelby County for a determination of Coe's competency to be executed. On March 6, 2000, this Court affirmed the trial court's decision that Coe is presently competent to be executed. On March 16, 2000, Coe filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Tennessee seeking review of the competency issue. On March 22, 2000, the federal district court issued a stay of the execution set for March 23, 2000, pending its review of Coe's petition for writ of habeas corpus. On March 24, 2000, this Court denied the State's motion to set a conditional indeterminate execution date and held that, if the federal district court entered an order denying Coe's petition for writ of habeas corpus and lifted the stay, this Court would set a new date for Coe's execution and that a motion by the State to set an execution date would not be necessary.

It appearing to the Court that on March 29, 2000, the federal district court denied Coe's petition for writ of habeas corpus and lifted the stay of execution issued by that court, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 5th day of April, 2000, unless otherwise ordered by this Court or other appropriate authority. Counsel for Robert Glen Coe shall provide a copy of any order staying execution of this order to

the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Dissenting:
Birch, J., filed a separate dissenting order.