

IN THE SUPREME COURT OF TENNESSEE

ROBERT GLEN COE)
)
 Appellant,)
)
 v.)
)
 STATE OF TENNESSEE)
)
 Appellee.)

NO. M1999-01313-SC-DPE-PD

FILED

March 10, 2000

Cecil Crowson, Jr.
Appellate Court Clerk

ORDER

On Wednesday, March 8, 2000, the appellee, State of Tennessee, filed a motion asking this Court to unseal the previously sealed mental health records in this case in anticipation of the filing of a federal action by the appellant. In addition, the State requested that this Court "set this motion for expedited disposition due to the impending execution date of March 23, 2000." This Court entered an order granting the State's request to expedite the motion and allowed the appellant, Robert Glen Coe, until noon Friday, March, 10, 2000, to file a response to the motion in the Appellate Court Clerk's Office in Nashville.

The appellant has now filed a response in which he asserts that this Court is without jurisdiction to unseal the previously sealed exhibits because the mandate has already been issued in accordance with this Court's March 6, 2000 opinion. The appellant therefore asserts that the motion should be remanded to the trial court for determination. He argues that since the trial court originally ordered the documents sealed, it is the more appropriate forum to consider whether the seal should be lifted. Alternatively, the appellant objects to lifting the seal and argues that many of the documents are privileged by state law. Finally, the appellant argues that when and if a habeas corpus petition is filed, the federal district can determine whether or not he or she needs to review the sealed

documents and issue an appropriate order at that time.

After due consideration, the State's motion to unseal the previously sealed documents is hereby GRANTED.

PER CURIAM