

IN THE SUPREME COURT OF TENNESSEE

AT JACKSON

ROBERT GLEN COE,)
)
 Appellant,)
v.) SHELBY COUNTY
)
) C.C.A. NO.
STATE OF TENNESSEE,) W2000-00005-CCA-28M-PD
)
 Appellee.)

RESPONSE TO MOTION FOR STAY OF EXECUTION

The appellant, Robert Glen Coe, filed a motion for stay of execution in this Court pending this Court's consideration of his Rule 11 application concerning his motion to reopen his petition for post-conviction relief. However, for the reasons contained in the State's opposition to Coe's application for permission to appeal and the trial court's order denying his motion to reopen, appellant's application is clearly without merit. Accordingly, it provides no grounds that warrant a stay of execution.

Moreover, twenty days remain until the appellant's scheduled execution date, and his motion for a stay fails to include any allegation or evidence that this Court will be unable to adequately review his application for appeal by that date. Accordingly, no reason exists to grant the appellant's motion. The motion for stay of execution should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served on counsel for appellant by first class mail, postage paid, to Robert L. Hutton, GLANKLER BROWN, PLLC, 1700 One Commerce Square, Memphis, Tennessee 38103 on this the ____ day of March, 2000.

ERIK W. DAAB

Assistant Attorney General