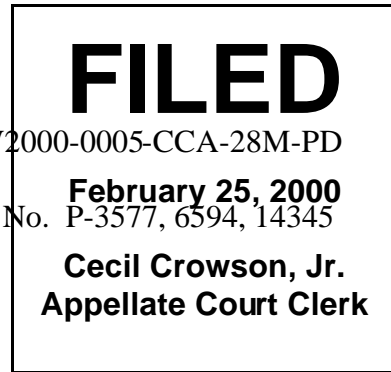


IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

ROBERT GLEN COE)
)
 Petitioner-Applicant)
)
 v.)
)
 STATE OF TENNESSEE)
)
 Respondent)

CCA No. W2000-0005-CCA-28M-PD
Shelby Co. No. P-3577, 6594, 14345



MOTION FOR STAY OF EXECUTION

COMES NOW, your Petitioner-Applicant, Robert Glen Coe, through his undersigned counsel of record, and moves this Court pursuant to T.C.A. 40-30-220, and this Court’s inherent equitable powers, for a stay of the execution of Mr. Coe, which is currently set for March 23, 2000; pending disposition by this Court of Mr. Coe’s “Application for Permission to Appeal the Order of the Tennessee Court of Criminal Appeals, Western Section” filed on February 10, 2000. In support of this Motion, your Petitioner-Applicant would show unto the Court as follows:

1. Petitioner Robert Glen Coe is currently scheduled to be executed on March 23, 2000.
2. Petitioner has pending before this Court an “Application for Permission to Appeal the Order of the Tennessee Court of Criminal Appeals, Western Section” filed February 10, 2000. This Application seeks review of the Court of Criminal Appeals’ denial of relief, due to the trial court’s refusal to reopen Mr. Coe’s post conviction proceeding in light of the recently decided decision of State v. Ferguson, 2 S.W.3d 912 (Tenn. 1999).
3. There is a significant possibility that the death sentence will be invalidated, upon

review of and final disposition of Mr. Coe's Application for Permission to Appeal. Furthermore, there is a significant possibility that the death sentence will be carried out before consideration of the Petition is concluded, if a stay of execution is not granted.

4. Mr. Coe's "Motion to Reopen" filed in the trial court met the requirements set out in T.C.A. 40-30-217.
5. The Court of Criminal Appeals abused its discretion in denying Petitioner's Application for Permission to Appeal.
6. Mr. Coe further relies on the "Memorandum in Support of Motion for Stay of Execution," filed contemporaneously herewith.

WHEREFORE, premises considered, Mr. Coe prays that his Motion for Stay of Execution be granted.

Respectfully submitted,

Robert L. Hutton
GLANKLER BROWN, PLLC
1700 One Commerce Square
Memphis, TN 38103
(901) 525-1322

Attorney for Petitioner-Applicant,
Robert Glen Coe

Certificate of Service

I hereby certify that a copy of the foregoing Opening Brief was mailed, first-class postage prepaid, to the Office of the Attorney General, Criminal Division, 425 Fifth Avenue North, Cordell Hull Building, Nashville, TN 37243-0493, this the _____ day of February, 2000.

Glen Pruden
Office of the Attorney General
Criminal Division
425 Fifth Avenue North
Cordell Hull Building
Nashville, TN 37243-0493

Attorney