

No. 99-_____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1999

ROBERT GLEN COE,

Petitioner

v.

RICKY BELL,

Respondent

SUPPLEMENTAL BRIEF OF PETITIONER IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI
AND SUPPLEMENT TO MOTION FOR STAY OF EXECUTION

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This case is directly controlled by this Court's intervening decision in Williams v. Taylor, ___ U.S. ___, U.S.No. 98-9384 (April 18, 2000), which was just decided by this Court hours ago. As Robert Coe has maintained in his Petition for Writ of Certiorari, the District Court and Sixth Circuit denied relief on Robert Coe's *Ford* claims by applying an unduly restrictive -- and erroneous -- interpretation of 28 U.S.C. §2254(d). See Petition For Writ Of Certiorari: Question Presented #2; pp. 13-16 (disavowing Sixth Circuit's unduly restrictive interpretation of 28 U.S.C. §2254(d)). This Court's decision in Williams confirms that the Sixth Circuit's interpretation and application of 2254(d) is patently incorrect. The Sixth Circuit applied a standard of review which this Court has rejected in Williams. No federal court has applied the proper §2254(d)(1) standard to the claims presented by Robert Coe. Robert Coe cannot be executed unless and until some federal court properly applies federal law.

Exactly as Robert Coe has argued, therefore, this Court should grant his requested stay of execution, grant his petition for writ of certiorari, vacate the judgment and remand for a proper application of the standards enunciated in Williams.

CONCLUSION

This Court should issue a stay of execution, grant the petition for writ of certiorari and/or grant the petition and remand for further consideration in light of Williams.

Respectfully submitted,

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