IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ROBERT GLEN COE,	)	
Petitioner,	)	
v.	)	NO. 00-5419
RICKY BELL, Warden,	)	
Respondent.	)	

ROBERT GLEN COE'S RESPONSE IN OPPOSITION TO MOTION FOR IMMEDIATE ISSUANCE OF MANDATE

On the same date that a panel of this court issued its opinion in this case, respondent appellee Ricky Bell has moved the court for an immediate issuance of a mandate. Petitioner-Appellant Robert Glen Coe hereby gives notice that he intends to file a petition for rehearing en banc; that the undersigned counsel are currently working on that petition, and that the petition will be filed expeditiously, given that the Tennessee Supreme Court has already set a new execution date for April 19, 2000, and the need to distribute the petition for rehearing among the active judges of the circuit. The filing of such petition will automatically stay issuance of the mandate until disposition of the petition pursuant to Federal Rules of Appellate Procedure 41(d)(1). Therefore, the immediate issuance of the mandate would be premature and respondent-appellee's motion should be denied.

Respectfully Submitted,

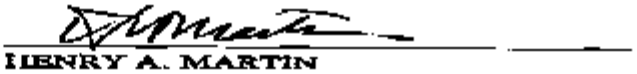
James Walker
601 Woodland Street
Nashville, Tennessee 37206
(615) 254-0202

Henry Martin
Paul Bottel
Office of the Federal Public Defender
810 Broadway, Suite 200
Nashville, Tennessee 37203
(615) 736-5047

By:
HENRY A. MARTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Response in Opposition has been forwarded by first-class mail, postage prepaid, and facsimile transmission to Gordon W. Smith, Solicitor General, 425 Fifth Avenue North, Second Floor, Cordell Hull Building, Nashville, Tennessee 37243, on this 11th day of April 2000.


HENRY A. MARTIN

http://www.tncourts.gov/OPINIONS/TSC/CapCases/coerg/04122000/motresp.htm[11/18/2010 12:46:08 PM]