

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT GLEN COE

Petitioner

v.

RICKY BELL, Warden

Respondent

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No. 3:00-0239
Judge Trauger

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
APR 01 2000
12:28
BY Theresa R. Nib
CLERK

MOTION FOR STAY PENDING APPEAL

Comes the Petitioner, Robert Glen Coe, and pursuant to Fed.R.Civ.P. 62 and 28 U.S.C. §1651 & 2251 and respectfully moves this Court to stay this Court's March 24, 2000 order dismissing his petition for writ of habeas corpus and dissolving the previously entered stay of execution. This Court should grant the stay pending appeal, because: (1) Robert Coe will suffer irreparable harm if the order is not stayed; (2) the state has no interest in executing the inmate; (3) the public has no interest in the execution of the inmate; (4) the harm to the state is minimal; and (5) there is a substantial likelihood that Robert Coe will be successful on his appeal, given, *inter alia*, that the state's conviction of Robert Coe was based on a confession that was coerced under duress; that the state failed to apply the proper common law standard governing his claims, and denied him a full and fair consideration of his claims through the numerous procedural irregularities occurring during the state court proceedings, including the adjudication of his claims by a judge whose life was threatened if he ruled in Robert Coe's favor. Under these circumstances, Robert Coe has shown likely success on the merits of his appeal, and the motion for stay should therefore be granted. The status quo prior to the entry of the order - with a stay of execution granted to Robert Coe - should be maintained pending the final disposition of the appeal in the Sixth Circuit.

Respectfully Submitted,

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By: Paul Butler

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded by first-class mail, postage prepaid to Glenn R. Pruden, Assistant Attorney General, 425 5th Avenue North, Nashville, Tennessee 37243, on this 7 day of March, 2000.

Paul Butler