

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

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.
MAR 27 2000

ROBERT GLEN COE

Prisoner

v.

RICKY BELL, Warden

Respondent

No. 00-0239
Judge Trauger

BY _____
DEPUTY CLERK

PETITIONER'S MOTION FOR DISCOVERY

Comes the Petitioner, Robert Coe, and respectfully moves this Honorable Court for discovery necessary for the investigation and presentation of his amended petition for writ of habeas corpus pursuant to 28 U.S.C. §§1651, 2241-2254, Fed. R. Civ. P. 26, 31, 34 and 81(a)(2), Federal Habeas Corpus Rule 6, Local Rules 8 & 9, and McClintock v. Zant, 199 U.S. 409 (1991).

As more fully explained in his accompanying memorandum in support of his request for discovery, Petitioner Robert Coe requires the process of this Court to secure the following initial discovery which is relevant to his eighth amendment claim that he is incompetent to be executed and that he was denied a full and fair hearing on this claim in the state courts. Petitioner has not had full access to such relevant materials, and requires the authority of the Court to secure access to such materials, in order that he may fully investigate his case and present to this Court all available constitutional claims:

1. **Judge John Colton & Staff:** (a) subpoena for the production of any and all documents, reports, memorandums, notes, recordings, audiotapes, videotapes, or photographs regarding threats made to or about Judge John Colton or his staff or Robert Glen Coe or the attorneys for Robert Glen Coe or any other party in any way related to the competency proceedings; (b) deposition of Judge John Colton and staff regarding the above.
2. **Shelby County Sheriff's Department:** (a) subpoena for the production of any and all documents, reports, memorandums, notes, recordings, audiotapes, videotapes, or photographs regarding threats made to or about Judge John Colton or his staff or Robert Glen Coe or the attorneys for Robert Glen Coe or the State Attorney General's office, or any other party in any way related to the competency proceedings.
3. **Memphis Police Department:** (a) subpoena for the production of any and all documents, reports, memorandums, notes, recordings, audiotapes, videotapes, or photographs regarding threats made to or about Judge John Colton or his staff or Robert Glen Coe or the attorneys for Robert Glen Coe or the State Attorney General's office, or any other party in any way related to the competency proceedings.
4. **Shelby County Court Security:** (a) subpoena for the production of any and all documents, reports, memorandums, notes, recordings, audiotapes, videotapes, or photographs regarding threats made to or about Judge John Colton or his staff or Robert Glen Coe or the attorneys for Robert Glen Coe or the State Attorney General's office, or any other party in any way related to the competency proceedings.

CONCLUSION

WHEREFORE, the motion should be granted, and this Court should order the production of requested materials and/or Petitioner's issuance of subpoenas to secure the requested materials and information.

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 37203, on this 25th day of March, 2009.

Paul Butler
Paul Butler