

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

March 20, 2000

**Cecil Crowson, Jr.
Appellate Court Clerk**

ROBERT GLEN COE,)
)
Appellant,)
)
V.) NO. M1999-01313-SC-DPE-PD
)
STATE OF TENNESSEE,)
)
Appellee.)

SEPARATE CONCURRING ORDER

Robert Glen Coe has filed a motion requesting that this Court stay his scheduled execution, now set for March 23, 2000. As grounds for the motion, Coe asserts that he has filed an application for executive clemency and that "insufficient" time remains within which "to engage in meaningful clemency proceedings."

The Governor has constitutional authority to grant temporary "reprieves."¹ Given this authority, in my view, it is more appropriate for the Governor to determine whether the time is sufficient or insufficient for the conduct of meaningful clemency proceedings.

Accordingly, I would deny the motion.

ADOLPHO A. BIRCH, JR., Justice

¹Tenn. Const. art. III, § 6.