

IN THE SUPREME COURT OF TENNESSEE

FILED
March 10, 2000
Cecil Crowson, Jr.
Appellate Court Clerk

ROBERT GLEN COE)
)
Appellant,)
)
v.)
)
STATE OF TENNESSEE)
)
Appellee.)

NO. M1999-01313-SC-DPE-PD

ORDER

The appellant, Robert Glen Coe has filed a motion requesting that this Court recall the mandate issued in this cause pursuant to Tenn. R. App. P. 42 and enter an order staying his execution now scheduled for March 23, 2000. As grounds for the motion, the appellant asserts that he intends to file a petition for writ of certiorari to the United States Supreme Court seeking review of this Court's March 6, 2000 decision which affirmed the trial court's finding that he is competent to be executed. The appellant asserts that he has 90 days to file the petition for certiorari pursuant to United States Supreme Court Rule 13(1).

Upon due consideration, the appellant's motion to recall the mandate and stay the scheduled execution is hereby DENIED.

FOR THE COURT:

FRANK F. DROWOTA, III,
JUSTICE

Concurring:
Anderson, C.J.
Holder and Barker, JJ.

Dissenting:
Birch J., filed a separate dissenting order.