

IN THE CRIMINAL COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT  
AT MEMPHIS, TENNESSEE  
DIVISION III

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STATE OF TENNESSEE

-VS-

NO. B-73812

ROBERT GLEN COE,  
Defendant.

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ORDER DENYING DEFENDANT'S ORAL MOTION TO ALLOW  
ATTORNEYS TO BE PRESENT DURING PSYCHOLOGICAL EVALUATION AND  
ESTABLISHING GUIDELINES FOR THE EXCHANGE OF INFORMATION BETWEEN THE PARTIES

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This cause came to be heard upon an oral motion by the defendant to allow counsel for the defendant to be present during the psychological evaluation of the defendant ordered pursuant to *VAN TRAN v. STATE* \_\_\_ S.W.3d \_\_\_ (Tenn. 1999); upon a hearing on said oral motion conducted by conference call in chambers; and upon the entire record of this cause.

IT APPEARS TO THE COURT: that the Tennessee Supreme Court has expressly found that there is no right to have counsel present during a psychological exam conducted pursuant to court order. *State v. Martin*, 950 S.W.2d 20 (Tenn. 1997) and *State v. Huskey*, 964 S.W.2d 892 (Tenn. 1998). The request of the defendant is not well taken and should be denied. To assure that the evaluation process be effective, the Court finds that the following should be followed.

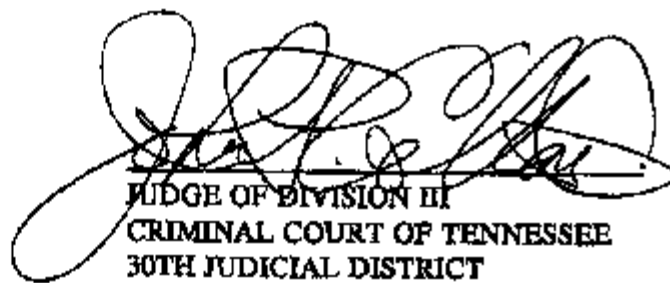
1. No attorneys shall be present during the evaluation of the defendant. The respective attorneys for the State and Defense can be present before or after the evaluation.

2. The Court will not order that video tapes of the evaluation be done. If video tapes are done then they are to be filed with the Court under seal. These tapes will be provided to the experts who were not present at the evaluation for their consideration. The defense will be allowed to review the tapes prior to the State. Any objections can be made to the court *in camera*.

3. On January 13, 2000 the experts are to file their reports with the Court. On that same day, each team of court appointed doctor's entire evaluation file, including all raw data, notes and test materials, will be sent to the other team of doctors and a copy filed with the Court under seal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED: that the defendant's oral request to have counsel present during the evaluation of the defendant is denied. The Court further orders that the evaluation process be conducted according to the provisions stated above.

Entered this the 5th day of January, 2000.



JUDGE OF DIVISION III  
CRIMINAL COURT OF TENNESSEE  
30TH JUDICIAL DISTRICT  
AT MEMPHIS, TENNESSEE

FILED 1-5-00  
WILLIAM R. KEY, CLERK  
BY L. D. H. C.