

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**FILED**

ROBERT GLEN COE,

Petitioner-Appellant

No. 02S01-9910-CR-00098

**December 6, 1999**

STATE OF TENNESSEE

**Cecil Crowson, Jr.**

**Appellate Court Clerk**

Respondent-Appellee.

**MOTION TO DISQUALIFY ATTORNEY GENERAL PAUL G. SUMMERS &  
THE OFFICE OF THE ATTORNEY GENERAL**

The Attorney General has filed in this Court a motion to set execution date. The motion is improper, because the Attorney General suffers from an irreconcilable conflict of interest in this matter:

Attorney General Paul Summers has judged Robert Coe's case as a Tennessee judge; as a judge, he has himself previously set an execution date for Robert Coe. Now, having been appointed by this Court, he has come before this Court as a litigant requesting that Robert Coe be executed. By being both judge and advocate in this case, by ordering Robert Coe's execution as a judge and then asking for his execution as an advocate before a court which appointed him, Attorney General Summers has created an appearance of impropriety plainly recognized by Tennessee law in State v. Tate, 925 S.W.2d 548, 550 (Tenn.Cr.App. 1995). This disqualifies him from this case.

This appearance of impropriety calls into question the very integrity of the criminal process in this case. Attorney General Summers' participation in the prosecution of Robert Glen Coe has likewise created a conflict of interest for the entire Office of the Attorney General.

To remedy this conflict, the petitioner moves this Court to disqualify Attorney General Summers and the Office of the Attorney General from any further participation in this case, to strike all pleadings filed on behalf of the State of Tennessee under the supervision of Attorney General Summers (including the November 29, 1999 motion to set execution date) and to provide any other relief to which Robert Glen Coe may be entitled.

Respectfully Submitted,

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James Walker  
Attorney at Law  
601 Woodland Street  
Nashville, TN 37206  
(615) 254-0202

**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, TN 37243, on this the \_\_\_\_\_ day of December, 1999.

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

ROBERT GLEN COE,	)	
	)	
Petitioner-Appellant	)	CCA No. 02S01-9910-CR-00098
	)	
v.	)	
	)	
STATE OF TENNESSEE	)	
	)	
Respondent-Appellee.	)	

VERIFICATION

I verify that the assertions made in the foregoing memorandum are true and correct to the best of my knowledge.

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