

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

ROBERT GLEN COE,

Petitioner,

v.

RICKY BELL, Warden,

Respondent.

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NO. 3:92-0180
JUDGE NIXON

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

Through counsel, Petitioner Robert Glen Coe respectfully submits that Attorney General Paul G. Summers suffers from an irreconcilable conflict in this matter. His participation in the prosecution of Robert Glen Coe is in violation of Rule 1(e)(4) of the Local Rules of Court for the Middle District of Tennessee. His participation also violates State v. Tate, 925 S.W.2d 548 (Tenn. Cr. App. 1995) and creates an appearance of impropriety. Moreover, General Summers' continued participation in the prosecution of Robert Glen Coe has created a conflict for the entire Office of the Attorney General.

To remedy this conflict, Petitioner moves this Court to disqualify General Summers and the Office of the Attorney General from any further participation in this case, to strike any pleadings filed on behalf of the State of Tennessee under the supervision of General Summers, and to provide any other relief to which Robert Glen Coe may be entitled.

Respectfully Submitted,

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Federal Public Defender
Paul Bottei
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By: 

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 24 day of November, 1999.

