

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

ROBERT GLEN COE,)
)
 Petitioner-Appellant,) S.Ct. No. 02S01-9910-CR-00099
)
 v.)
)
 STATE OF TENNESSEE,)
)
 Respondent-Appellee.)

ORDER

On October 8, 1999, petitioner, Robert Glen Coe, filed a motion requesting that this Court stay the October 19, 1999, date of execution previously set by order of this Court on April 19, 1999. In support of his motion, petitioner alleged that the United States Supreme Court denied his petition for writ of certiorari on October 4, 1999, that under U.S.Sup. Ct. R. 44.2 petitioner is entitled to twenty-five (25) days in which to file a petition to rehear the denial of his petition for writ of certiorari, and that petitioner intends to file a petition to rehear with the United States Supreme Court. As additional grounds for his motion, petitioner alleged that a stay of execution is necessary to afford him a sufficient period of time in which to exercise his right to seek executive clemency. The State has responded opposing petitioner's motion for stay.

After due consideration, it appearing to the Court that U.S.Sup. Ct. R. 44.2 entitles petitioner to a period of twenty-five (25) days from October 4, 1999, in which to file a petition to rehear with the United States Supreme Court and that October 19, 1999, the execution date previously set by this Court, falls within said twenty-five (25) days, it is ORDERED that petitioner's motion is granted and that this Court's order of April 19, 1999, setting an execution date of October 19, 1999, is hereby vacated and execution of petitioner's sentence stayed pending the filing of a petition to rehear with the United States Supreme Court and that court's disposition of any petition to rehear filed by petitioner.

It is further ORDERED that, should the petitioner fail to file a petition to rehear or should the United States Supreme Court deny any petition to rehear filed by the petitioner, the State shall file a Motion to Set an Execution Date with this Court. Such motion and all subsequent filings in this matter by either the State or the petitioner shall be filed with the Office of the Clerk of the Appellate Court in Nashville. It is also ORDERED that in addition to the number of copies required to be filed under the Rules of Appellate Procedure, all motions, appellate briefs, pleadings, documents, or exhibits which are hereafter filed in this Court shall also be submitted on a 3.5" computer diskette.

Immediate notification shall be made by the Clerk of the Appellate Courts of the contents of this Order to the Warden of the Riverbend Maximum Security Institution, 7475 Cockrill Bend Industrial Road, Nashville, Tennessee.

For the Court

Riley Anderson, Chief Justice