

USA (Tennessee) Robert Glen Coe, aged 43, white

Tennessee is set to carry out its first execution in four decades. Robert Coe is scheduled to be put to death on 19 October 1999 in Riverbend Maximum Security Institution, Nashville, for the abduction, rape and murder of eight-year-old Cary Ann Medlin in Greenfield in September 1979. The US Supreme Court denied his final appeal on 4 October 1999.

Robert Coe has a long history of serious mental illness, including schizophrenia, dating from before the crime. He also suffered a childhood of which one psychiatrist said "the word catastrophic would be a gross understatement." He was subjected to severe beatings and sexual assault by his father, who also made the boy watch while he raped his sisters. He ran away from home at the age of 12 and began to abuse drugs and alcohol. In 1975, aged 19, Robert Coe was charged with assaulting a woman, but was found incompetent to stand trial due to mental illness. He was described as "a seriously disturbed young man" whose disposition to violence and sexual aggression was "a lesson garnered from his father". His illness included auditory hallucinations in which he would hear his father screaming at him. He has reportedly been prescribed anti-psychotic medication on death row.

At his 1981 trial for the murder of Cary Medlin, the jury rejected expert testimony that his mental illness, including a new diagnosis of paranoid schizophrenia, coupled with intoxication at the time of the crime, rendered him legally insane (that is, unable to conform his behaviour to the law). His resulting conviction and death sentence were overturned in 1996 by a District Court on the grounds that the judge had given misleading instructions to the trial jury. In 1998 the 6th Circuit Court of Appeals reversed that decision, although one of the three judges dissented, saying there was "a substantial probability that the jury misunderstood its mandate" about finding mitigating circumstances.

Robert Coe's appeal lawyers have raised doubts over the reliability of the conviction. The basis of the case against Coe was his own (subsequently retracted) confession, which the lawyers believe should have been ruled unreliable on the grounds that the interrogating officers used leading questions against a gullible, mentally ill suspect. Although there was other evidence against Coe, his lawyers argue that the prosecution's withholding of evidence from the defence, inadequate defence representation, false police testimony, shifting witness testimony and misleading jury instructions conspired to favour a conviction and death sentence. They have also found evidence that another man, whom witnesses initially identified as the abductor and whom the police continued to investigate after Coe's arrest and confession, may have committed the crime.

BACKGROUND INFORMATION

For many people the ever-present risk of wrongful conviction in a capital case is reason enough to abandon the death penalty. For others, to execute a mentally ill person is an insult to human decency. The US National Alliance for the Mentally Ill believes that "the death penalty is never appropriate for a defendant suffering from schizophrenia or other serious brain disorders". Amnesty International opposes the death penalty in all cases. Every death

sentence is an affront to human dignity; every execution serves to perpetuate a culture of violence.

Robert Coe's case, involving a brutal crime against a child, is one that has fuelled support for the death penalty in Tennessee and galvanized its victims' rights movement, frustrated by an appeals process which it sees as prolonged and preventing death sentences from being carried out. In 1995 Governor Sundquist reportedly held a press conference near where Cary Medlin was abducted to push for legislation restricting the number of state appeals in capital cases. The District Court's decision in 1996 to overturn Coe's sentence contributed to efforts to impeach the judge responsible.

There are 99 people on death row in Tennessee. The last execution was of William Tines in 1960. The Governor has absolute power to grant clemency. The Board of Paroles makes non-binding recommendations on commutation. If Robert Coe's execution goes ahead, Tennessee would be the 31st US state to carry out an execution since the country resumed judicial killing in 1977.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in your own words, using the following guidelines, in English or own language:

- acknowledging the seriousness of the crime of which Robert Coe was convicted and expressing sympathy for the family of Cary Ann Medlin;
- expressing concern, however, that Robert Coe was sentenced to death despite being diagnosed as suffering from serious mental illness, including paranoid schizophrenia (you may cite the National Alliance for the Mentally Ill's opposition to the death penalty against such defendants, and note that in May 1999 Governor Gilmore of Virginia commuted, on humanitarian grounds after no court remedy was forthcoming, the death sentence of Calvin Swann, who has suffered from schizophrenia since he was 19);
- expressing concern at doubts which have been raised over the reliability of Robert Coe's conviction;
- urging that Tennessee not take the retrograde step of resuming executions, and that Robert Coe's sentence be commuted to a humane alternative.

APPEALS TO:

The Honourable Don Sundquist
 Office of the Governor
 State Capitol
 Nashville, TN 37243-0001, USA
Tel: +1 615 741 2001
Telegrams: Governor Sundquist, Nashville, TN, USA
Fax: +1 615 532 9711
E-mail: dsundquist@mail.state.tn.us
Salutation: Dear Governor

Mr Charles Traughber
 Chairperson, Tennessee Board of Paroles
 404 James Robertson Parkway
 Suite 1300, Nashville, TN 37243, USA
Fax: +1 615 532 8581
Tel: +1 615 741 1673
Salutation: Dear Chairperson

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write brief letters (not more than 200 words) to:

Letters to the Editor, *The Tennessean*, 1100 Broadway, Nashville, TN 37203,
USA. **Fax: +1 615 726 8928. E-mail: letters@tennessean.com**

PLEASE SEND APPEALS IMMEDIATELY.