

PUBLIC

AI Index: AMR 51/49/00

23 March 2000

Further information on EXTRA 139/99 (AMR 51/149/99, 6 October 1999) and follow-ups (AMR 51/165/99, 13 October and AMR 51/41/00, 9 March 2000) - Death penalty / Legal concern

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

Robert Glen Coe's execution, scheduled for 1am local time on 23 March 2000, was stayed by a US District Court judge on the morning of 22 March. The State of Tennessee attempted unsuccessfully to have the stay lifted by the federal Sixth Circuit Court of Appeals and the US Supreme Court.

US District Judge Trauger ordered the stay in order that she could review the state's handling of the defence claim that Robert Coe is mentally incompetent for execution (see previous update). She ruled that she would do this as quickly as possible, but that "some 16 hours is not sufficient time within which to review five inches of briefs and other papers filed by the parties, two feet of trial transcript and four videotapes.... A brief stay of execution is necessary to decide the petition on the merits." She said that "the court intends to give this case its first priority and will decide it promptly".

The defence lawyers had also asked the District Court to order that they be allowed to remain with Robert Coe until the moment of his execution, so that they could monitor his mental competency and file an appeal if they felt that his condition had deteriorated. The Department of Corrections does not as yet allow such access. In her ruling, District Judge Trauger noted that "Tennessee appears to be the only state that prohibits the condemned prisoner from choosing witnesses to his execution and prohibits counsel from being present."

Governor Sundquist had already denied clemency. On 21 March, he issued a brief statement: "I have reviewed the application for clemency submitted by Robert Glen Coe and have determined that executive clemency is not appropriate. Therefore, the request for clemency is denied." He had received the clemency petition on 20 March, consisting of documentation, affidavits, and videotape of pleas for clemency from Coe's siblings. One of Robert Coe's attorneys reportedly said that he was disappointed that the Governor had taken only a day to review the evidence and make his decision, and that he had refused to meet with the defence attorneys, Robert Coe's family and religious leaders. An interfaith coalition, including leaders of the Buddhist, Christian, Muslim and Jewish faiths, have been active in Tennessee in opposing the resumption of executions in their state. On learning of the denial of clemency, the defence lawyer said, "Once again, the door is closed to Robert Coe as it has been his entire life, both as an abused child and a mentally ill adult."

Robert Coe was sentenced to death for the abduction, rape and murder of eight-year-old Cary Ann Medlin in 1979. This brutal crime fuelled support for the death penalty in Tennessee and galvanized the "victims' rights" movement (see original UA).

Another man, Philip Ray Workman, is scheduled for execution in Tennessee. His execution date remains set for 6 April 2000 despite very serious doubts about whether he is guilty of the crime for which he was sentenced to die (see UA 12/00, AMR 51/09/00, 19 January, and update AMR 51/33/00, 24 February).

Thirty states have executed prisoners since the USA resumed judicial killing in 1977. In an open letter to Governor Sundquist on 21 March, Amnesty International appealed to him not to allow Tennessee to become the 31st. (See *Open letter to Governor Don Sundquist, concerning the imminent resumption of executions in Tennessee after 40 years* (AMR 51/48/00)).

We will inform the UA Network if Robert Coe receives a new execution date. Meanwhile please continue to send urgent appeals to Tennessee. You do not need

to be specific to either of the cases, but simply appeal in your own words for Governor Sundquist not to allow executions to resume in Tennessee. Many thanks to all who are taking part in this action.

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

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: +1 615 259 8093
E-mail: jgibson@tennessean.com

Letters to the Editor, *The Commercial Appeal*, Box 334, Memphis, TN 38101, USA
Fax: +1 901 529 6445
E-mail: letters@gomemphis.com

Letters to the Editor, *Knoxville News-Sentinel*, PO Box 59038, Knoxville, TN 37950-9038, USA
Fax: +1 865 342 6404
E-mail: letters@knews.com

Letters to the Editor, *Chattanooga Free Press*, PO Box 1447, Chattanooga, TN 37401, USA
Fax: +1 423 757 6383
E-mail: kspence@timesfreepress.com

PLEASE SEND APPEALS IMMEDIATELY