


IN THE CRIMINAL COURT FOR DAVIDSON COUNTY, TENNESSEE
DIVISION III

STATE OF TENNESSEE)	Case No. 97-C-1834 
)	(Captain D's Davidson County)
VS.)	Case No. M1999-00803-SC-DDT-DD
)	(Supreme Court)
PAUL DENNIS REID, JR.)	Case No. 97-C-1836
)	(McDonald's Davidson County)

ORDER DENYING MOTION TO DISMISS APPEALS


The defendant, who has received seven death sentences during three separate trials, has filed a motion to lift the stay of execution and dismiss all appeals. The direct appeals in a capital case are automatic and a defendant does not have a right to abandon them. See Tenn. Code Ann. § 39-13-206(a)(1). Therefore, the defendant must proceed with his appeals for the murders which occurred at the McDonald's (Davidson County Case No. 97-C-1936) and Baskin Robbins (Montgomery County Case No. 388887, M2001-02753-CCA-R3-DD) restaurants.

The Court recognizes that the Tennessee Supreme Court has affirmed the defendant's death sentences for the incident which occurred at a Captain D's restaurant in Davidson County. See *State v. Reid*, 91 S.W.3d 247 (Tenn. 2002). Moreover, that court set the defendant's execution for April 29, 2003. *Id.* at 288. Therefore, with respect to that particular case, the defendant has the right to abandon further proceedings and be executed if he desires to do so.¹ However, because this Court

¹Because the defendant has not filed a post-conviction petition in this Court, there is no need for the Court to determine if he is competent to withdraw such a petition pursuant to the recent amendment to Rule 28 of the Rules of the Tennessee Supreme Court. The Court notes, however, that both this Court and the Montgomery County Circuit Court found the defendant to be competent to stand trial following lengthy hearings.

did not set the execution date, it does not have the authority to lift any existing stay and the defendant must direct that request to the Tennessee Supreme Court.

ENTERED this the 20 day of February, 2003.


Cheryl Blackburn
Judge

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