

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. PAUL DENNIS REID, JR.

No. M1999-00803-SC-DDT-DD - Filed April 22, 2003, 2:55 p.m.

DISSENTING MEMORANDUM OPINION AND ORDER

Because I conclude that the motion raises a genuine issue as to Mr. Reid's capacity to appreciate his legal options and make a rational choice with respect to continuing or abandoning further litigation, I would grant the stay of execution and remand to the trial court for the limited purpose of determining competency. See Rees v. Peyton, 384 U.S. 312, 314, 86 S. Ct. 1505, 1506, 16 L. Ed.2d 583 (1966). Accordingly, I dissent from the order of the majority of the Court denying the motion to stay the execution.

ADOLPHO A. BIRCH, JR.,
JUSTICE