

*filed 4/28/03  
10:30 PM  
C. B. Johnson*

IN THE CRIMINAL COURT FOR DAVIDSON COUNTY, TENNESSEE

DIVISION III

PAUL DENNIS REID, JR., PETITIONER,  
Inmate No. 303893  
Unit 2  
Riverbend Maximum Security Institution  
7475 Cockrill Bend Industrial Road  
Nashville, TN 37243-0471

Case No. 97-C-1834  
(Capital Case)

vs.

STATE OF TENNESSEE, Respondent

PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

Paul Dennis Reid, Jr. now petitions the Court, in the form set forth in the Rules, for relief from my sentence to death as follows:

1. I was convicted by this Court – Division III of the Criminal Court for Davidson County.
2. The Court accepted the verdict of the Jury on April 20, 1999 and denied the Motion for New Trial on August 25, 1999 with a later memorandum setting out the reasons.
3. The case number is 97-C-1834.
4. The sentence was death in two (2) counts and twenty-five (25) years as a Violent Offender in another count.
5. I was convicted of two (2) counts of Murder in the First Degree and one (1) count of Especially Aggravated Robbery.
6. I pled not guilty.

7. I had a trial by jury.
8. I did not testify at my trial.
9. My lawyers appealed the conviction.
10. I appealed to two Tennessee Courts, as follows:
  - (a) (1) The Tennessee Court of Criminal Appeals
  - (2) They affirmed my conviction
  - (3) They issued an order on May 31, 2001
  - (4) The grounds I raised on this appeal were;
- I. Whether the trial court erred in denying the Motions to Suppress the identification testimony of Michael Butterworth and Mark Farmer and the physical evidence seized from my residence;
- II. Whether the trial court properly controlled the selection of numerous jurors;
- III. Whether the evidence was sufficient to support my convictions;
- IV. Whether the trial court properly admitted testimony during the guilt phase of the trial;
- V. Whether the State committed prejudicial error, at the guilt phase, by making improper comments during closing argument;
- VI. Whether the trial court's failure to instruct on lesser-included offenses was error;
- VII. Whether the trial court committed plain error by holding court into the late hours of the evening;
- VIII. Whether the admission and exclusion of certain testimony during the penalty phase of the trial constituted error;
- IX. Whether the introduction of victim impact evidence constituted error;
- X. Whether the application of the (i)(7) aggravator was appropriate when the jury found me guilty of felony murder;
- XI. Whether the trial court properly instructed the jury as to mitigating factors;

- XII. Whether the twenty-five-year sentence imposed for especially aggravated robbery is excessive;
- XIII. Whether Tennessee's death penalty statutes are constitutional and
- XIV. Whether the jury imposed an arbitrary and disproportionate sentence.
- (b) (1) The Tennessee Supreme Court  
(2) They affirmed my conviction  
(3) They issued an order on November 26, 2002;  
and December 19, 2002  
(4) The grounds I raised on this appeal were:
- I. Whether the trial court erred in denying the motion to suppress the identification of Butterworth and Farmer;
- II. Whether the trial court erred in denying the motions to suppress items seized from my residence;
- III. Whether the trial court erred in allowing expert testimony on blood spatter;
- IV. Whether the trial court erred in allowing testimony comparing the length of shoes seized from my residence with photographs of shoe prints at the crime scene;
- V. Whether the prosecutor improperly commented on my failure to testify;
- VI. Whether the prosecutor improperly commented that my foot was the same size as the footprints left at the crime scene;
- VII. Whether the trial court erred in failing to instruct the jury on lesser-included offenses;
- VIII. Whether the evidence was sufficient to support my convictions;
- IX. Whether victim impact testimony was properly admitted;
- X. Whether the trial court erred in allowing the prosecutor to ask my sister whether she recalled an incident where I supposedly placed a victim in a freezer during an attempted robbery in Texas;

- XI. Whether the trial court erred in declaring Dr. Martell an expert;
- XII. Whether the trial court erred in refusing to allow the defense to cross-examine Dr. Martell about a letter he wrote seeking exoneration for himself;
- XIII. Whether the trial court erred in allowing the prosecutor to engage in improper victim impact argument;
- XIV. Whether the trial court erred in instructing the jury on mitigating circumstances;
- XV. Whether the death sentences are disproportionate.
- (c) (1) Although I did not authorize it, I understand that my lawyers then filed a petition with the United States Supreme Court.
- (2) I was told that the clerk would not file the petition because I had not signed a declaration that I was indigent.
- (3) I am told that they issued an order on April 21, 2003 but I have not seen it.
- (4) I do not know what grounds were raised by my lawyers.
11. I am filing this Petition within one (1) year of the decision of the Tennessee Supreme Court.
12. I have not filed any petitions, applications or motions with respect to these judgments in any court. I did try to file motions to dismiss my appeals.
13. The first motion to dismiss my appeal was filed with this Court. There was not a hearing, but this Court denied my motion, sending me an order about jurisdiction. The second motion to dismiss my appeals was filed with the Tennessee Supreme Court. Although

my lawyer said that he got a copy of a document saying that it was filed, I have not heard anything official since I mailed it.

14. None of the grounds that I am raising here were brought out during my trial. I was told that you can not bring some grounds up, for the first time, during an appeal.

One of the reasons that these things were not brought up earlier is that I was prevented from doing so by mind controls imposed by the government/military. They would not let me say some of these things, not even to my lawyers whose performances are scripted by these same government/military forces.

15. The motions that I tried to file to dismiss my appeals have little to do with the grounds that I am raising now. Until recently, I did not have the courage to say some of these things in public.

16. The grounds for relief that apply to my case are as follows:

- (a) My conviction was, in part, based on use of a coerced confession. Right before the police began videotaping my statement, a red-headed detective, who I have been told could be Robert Moore, struck me several times. His violent acts caused me to give up my constitutional rights and so upset me that my statements in response to their questions were not coherent. I told my lawyers about this, but they did not bring it up.

- (b) My conviction was based on use of evidence that was unconstitutionally obtained. From some of the questions that District Attorney Tom Thurman asked the witnesses, it is clear to me that he had information that had been obtained by eavesdropping upon my private conversations with other people and with my lawyers. I know that the

government/military gave him this information and this violates my rights to privacy and to talk in confidence with my lawyers.

- (c) My conviction was based on a violation of the privilege against self-incrimination. The basic facts are those stated in the two (2) paragraphs above. Because of the government/military mind control over me, I was not able to keep from giving up my rights.
  - (d) My conviction was based on the unconstitutional failure of the prosecution to disclose evidence favorable to me. The government/military has surveillance tapes showing my every movement and activity. These tapes would show that I did not commit these crimes. I told my lawyer about this when we first met, but he never got them from the government.
  - (e) I was denied effective assistance of counsel. My lawyers were scripted by the government/military and told to get me out of the way. Everything that they did was controlled by the government/military and they did not do some things that I wanted them to do because the government would not let them. For example, they never showed the jury the surveillance tapes, which would exonerate me. They were part of the conspiracy against me and could not effectively represent me. They let witnesses give scripted testimony and disclosed some of my secrets to the prosecutor.
  - (f) My trial was not fair because the Judge, the Jury and all the witnesses were scripted by the government/military to cause my death.
17. Unless someone else has filed one without my permission, I do not have any petition or appeal pending in any court, either State or Federal, that attacks this judgment.
18. So far, my attorneys have all been with the Office of the Metropolitan Public Defender, 1202 Stahlman Building, Nashville, Tennessee 37201. At the preliminary hearing, David Baker and J.

Michael Engle represented me. At arraignment, at trial, and through sentencing, Assistant Public Defenders Baker, Engle and Dawn Deaner represented me.

I understand that Mr. Baker then left to join the Federal Public Defender and Ms. Deaner transferred to the Department of Law, Metropolitan Government. Upon appeal, I was represented by Assistant Public Defender Jeffrey DeVasher and by Mr. Engle.

19. I am not currently represented by counsel. I ask the Court to appoint a lawyer to represent me upon this petition, and to amend it to address all my legal issues. Assistant Public Defender Engle told me about my rights, gave me this form, and got this petition typed for me, but he says that he cannot represent me upon it. He said he is a witness.
20. I was sentenced on more than one count of an indictment in the same court, but the murder sentences came first and it was later when I was sentenced on the other counts.
21. If I complete the sentence imposed by the judgment under attack, I will be dead and, I pray, there won't be future sentences to be served, although this is a matter of faith.

This Court knows that it also sentenced me to death in case number 97-C-1836 (McDonald's). The Circuit Court of Montgomery County also sentenced me to death in a case involving killings at a

Baskin-Robbins. I also have a parole violation warrant from Houston, Harris County, Texas and I asked my lawyer to look up the balance of my sentence there. He said it didn't matter.

The other Tennessee cases are still on direct appeal and I will decide about them later, after I see how this petition goes.

Wherefore, Petitioner prays the Court grant Petitioner relief to which Petitioner may be entitled in this proceeding.

Respectfully submitted,

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PAUL DENNIS REID, JR.  
Petitioner



**PETITIONER'S VERIFICATION UNDER OATH  
SUBJECT TO PENALTY FOR PERJURY**

I swear under penalty of perjury that the foregoing is true and correct.

Executed on April 28<sup>th</sup>, 2003.

x Paul Reid  
PAUL DENNIS REID, JR.

Sworn to and subscribed before me this the 28<sup>th</sup> day of April, 2003.

Shirley Santana  
Notary Public  
My Commission Expires 3/24/05

**AFFIDAVIT OF INDIGENCY**

I, Paul Dennis Reid, Jr., do solemnly swear that because of my poverty, I am not able to bear the expenses of the action which I am about to commence. I further swear that, to the best of my knowledge, I am justly entitled to the relief sought.

x Paul Reid  
PAUL DENNIS REID, JR.

Sworn to and subscribed before me this 28<sup>th</sup> day of April, 2003.

Shirley Santana  
Notary Public  
My Commission Expires 3/24/05