

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

| | | |
|---------------------|---|---|
| STATE OF TENNESSEE, |) | |
| |) | |
| Appellee, |) | |
| |) | DAVIDSON COUNTY CRIMINAL |
| v. |) | |
| |) | No. M1999-00803-SC-DDT-DD |
| PAUL DENNIS REID, |) | |
| |) | (CAPITAL CASE) |
| Appellant. |) | Filed April 23, 2003, 10:53 a.m. |

RESPONSE IN OPPOSITION TO
MOTION FOR APPOINTMENT OF COUNSEL

Donald Dawson, the Post Conviction Defender, has filed a motion asking this Court to appoint him to represent Reid “if this Court remands this case to the trial court for an evidentiary hearing under Rees v. Peyton, 384 U.S. 312 (1966).” Since this Court has denied the motion for stay filed on Reid’s behalf and has denied a remand for a competency hearing, this issue is now moot. *See State ex rel. Orr v. Thomas*, 585 S.W.2d 606, 607 (Tenn. 1979) (when the issues sought to be presented by appeal have been rendered moot pending the appeal, the appeal will be dismissed). Accordingly, this motion should be dismissed.

Respectfully submitted,

AMY L. TARKINGTON
Deputy Attorney General
P. O. Box 20207
Nashville, Tennessee 37202
B.P.R. No. 13435

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing response has been delivered to the office of Donald E. Dawson, Post-Conviction Defender, 530 Church Street, Suite 600, Nashville, Tennessee 37243, by facsimile copy to 741-9430, and by first-class mail, postage prepaid, on this the _____ day of April, 2003.

AMY L. TARKINGTON
Deputy Attorney General

DESIGNATION OF ATTORNEY OF RECORD FOR STATE

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The State's attorney of record prefers to be notified via facsimile at 615-532-7791.