

CAPITAL CASE
EXECUTION DATE 4/29/03

No. _____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2002

PAUL DENNIS REID,
Petitioner,

v.

STATE OF TENNESSEE,
Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE TENNESSEE SUPREME COURT

MOTION FOR ORDER RECOGNIZING *IN FORMA PAUPERIS* STATUS
WITHOUT THE FILING OF AN AFFIDAVIT OF INDIGENCY

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*Counsel of Record

Undersigned counsel respectfully requests that this Court grant Paul Dennis Reid *in forma pauperis* status without the filing of an affidavit of indigency. See Murphy v. Reinhard, 123 S.Ct. 984 (2002); Francis v. Florida, 123 S.Ct. 54 (2002); Hall v. Texas, 122 S.Ct 2655 (2002). In support thereof, Petitioner shows:

1. In this capital case, the trial court found Petitioner indigent and appointed the Office of the District Public Defender for Tennessee's 20th Judicial District (Public Defender's Office) to represent him. Undersigned counsel is an employee of the Public Defender's Office.

2. Tennessee's appellate courts have allowed Petitioner to proceed *in forma pauperis* throughout the direct appeal process.

3. Petitioner has declined to sign an affidavit or declaration of indigency in support of a motion for leave to proceed *in forma pauperis*. Petitioner's reasons for so doing raise questions of whether he has the capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation. See Rees v. Peyton, 384 U.S. 312, 314, 86 S.Ct. 1505, 16 L.Ed.2d 583 (1966).

4. Specifically, Petitioner has expressed views that he has been under constant government/military surveillance since 1985, that the government/military has used "scientific technology" on his brain since 1985, and that every person who has been in contact with Petitioner since 1985 has been under the control of the government/military.

5. Petitioner has a long documented history of mental problems. Specifically:

(a) at approximately six years of age another child hit Petitioner in the back of the head with a brick. Petitioner started suffering dizzy spells after this injury, and his behavior changed for the worse. (Exhibit 1, 1/15/99 Report of Xavier F. Amador, Ph.D., at 10);

(b) at approximately seven years of age, Petitioner began school. Petitioner was

immediately sent for an evaluation by a psychologist for the Houston, Texas, Independent School District. (*Id.* at 10-11);

(c) at approximately nine years of age Petitioner finally got the medical evaluation suggested by the school psychologist two years earlier. Petitioner was diagnosed with Minimal Cerebral Brain Dysfunction and prescribed psychoactive medication. (*Id.* at 11);

(d) at approximately nine years of age the Placement Committee of the Houston Independent School District recommended that Petitioner be enrolled in special education classes for brain-injured children. (*Id.* at 11);

(e) at approximately thirteen years of age Petitioner suffered a serious head injury in a mini-bike accident. The radiologist report recounts soft tissue swelling overlying the right parietal area of Petitioner's brain, a linear fracture through the mid-parietal region extending to the temporal region of Petitioner's brain. After this accident persons reported that Petitioner was more on edge, short tempered, and always getting headaches. Testing revealed that after this head injury Petitioner's arithmetic score dropped from a 5.7 grade level to a 3.5 grade level. (*Id.* at 12-13);

(f) at approximately twenty years of age, the Harris County, Texas, criminal court found Petitioner incompetent to stand trial, due to mental illness and mental defect, on robbery charges. (*Id.* at 13). At the same time, State doctors found Petitioner legally insane at the time of the offense.

(g) Petitioner has stated that for the past twenty years he has been under constant surveillance by a government agency he refers to as, among other things, "The Team." Petitioner maintains that he was chosen for the surveillance program when he was in a psychiatric hospital

in 1978 because he possesses certain traits that he cannot reveal for fear of divulging sensitive government secrets. (*Id.* at 3). Petitioner believes that his selection as a Team member was an honor and that, as a result, he has been afforded many special privileges and access to people high up in government." (*Id.* at 4).

Magnetic Resonance Imaging and Positron Emission Tomography reveal temporal lobe damage to Petitioner's brain. (*Id.* at 13).

6. Given the above, and given the abuse Petitioner suffered throughout his upbringing (*see* Exhibit 1, 1/15/99 Report of Xavier F. Amador, Ph.D., at 14-17), Petitioner has been diagnosed with, among other things, (1) Schizophrenia, Paranoid Type, Continuous Course; (2) Cognitive Disorder, Not Otherwise Specified; (3) Personality Change Due To Head Trauma; (4) Psychotic Disorder With Delusions; and (5) Amnestic Disorder Due To Temporal Lobe Epilepsy. (*Id.* at 1-2).


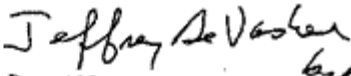
7. At trial, experts (including one the court appointed for itself) found that Petitioner was incompetent to stand trial. Despite conflicting evidence respecting Petitioner's competency, he was eventually found competent to stand trial. The evidence presented in this motion demonstrates that serious questions exist concerning Petitioner's capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation.

WHEREFORE, undersigned counsel respectfully requests that this Court:

1. Grant Petitioner *in forma pauperis* status without the filing of an affidavit of indigency; and
2. Order such other relief as this Court deems just.

3

Respectfully submitted,



by *RSA*

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ERRATA

Paragraph 5(a) on page 2 of the Motion For Order Recognizing *In Forma Pauperis* Status Without The Filing Of An Affidavit Of Indigency should read as follows, with the amended language in bold:

- (a) at approximately six years of age another child hit Petitioner in the back of the head with a brick. Petitioner started suffering dizzy spells after this injury, and his behavior changed for the worse. (Exhibit 1, 1/15/99 Report of Xavier Amador, Ph.D., at 10, prepared for State v. Paul Dennis Reid, Jr., Montgomery County Circuit Court, Division Three, No. 38887).

Paragraph 7 on page 3 of the Motion should read as follows, with the amended language in bold:

7. At the trial in a case tried subsequently to the case from which the Petition For Writ Of Certiorari results, State v. Paul Dennis Reid, Jr., Davidson County Criminal Court, Division Three, No. 97-C-1836, experts (including one the court appointed for itself) found that Petitioner was incompetent to stand trial. Despite conflicting evidence respecting Petitioner's competency, he was eventually found competent to stand trial. The evidence presented in this motion demonstrates that serious questions exist concerning Petitioner's capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation.