

No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**PAUL DENNIS REID,  
Petitioner,**

**v.**

**STATE OF TENNESSEE,  
Respondent.**

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**RESPONSE IN OPPOSITION TO  
“MOTION FOR ORDER RECOGNIZING *IN FORMA PAUPERIS* STATUS WITHOUT  
THE FILING OF AN AFFIDAVIT OF INDIGENCY”**

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Attorney General & Reporter  
State of Tennessee**

**MICHAEL E. MOORE  
Solicitor General**

**GORDON W. SMITH  
Associate Solicitor General**

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*Counsel for Respondent*

Petitioner's<sup>1</sup> counsel have moved for an order to grant petitioner *in forma pauperis* status. But petitioner himself has not only declined to request such status,<sup>2</sup> he has repeatedly requested that he be allowed to forgo his appeals from the seven death sentences he has received in three separate cases.<sup>3</sup> Most recently, in this very case, petitioner filed a *pro se* declaration with the Tennessee Supreme Court on March 26, 2003, in which he stated that he “elect[s] not to pursue any post-conviction appeals.”

I have meticulously examined all my post-conviction appeal options; I have precisely contemplated all legal strategies; and I have weighed all the alternatives, for approximately four (4) years, and carefully decided to abandoned(sic) my post-conviction appeals in the Captain D's case No. 97-C--1834.

(Attachment 2)

Moreover, the reasons petitioner cites in that declaration for abandoning his appeals — that he has lost confidence in the judicial system and that he has been convicted of “seven (7) egregious homicides,” — do not, as his counsel asserts, “raise questions” regarding his mental capacity;

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<sup>1</sup> While respondent, for the sake of clarity, uses the term “petitioner” to refer to the defendant, Paul Dennis Reid, Reid himself has not petitioned this Court at all as he has apparently not authorized or consented to his counsel's filing of a petition for a writ of certiorari or the accompanying motion to recognize *in forma pauperis* status.

<sup>2</sup> In response to a January 30, 2003, letter from his counsel requesting that petitioner sign the affidavit of indigency, petitioner noted on the letter: “I have notified [my counsel] I have decided to drop any additional appeals. I have thought this through for four years.” (Attachment 1) (filed as an attachment to order denying motion to dismiss appeals in *State v. Reid*, Nos. 97-C-1834, 1836 (Davidson Co. Crim. Ct. Feb. 20, 2003)).

<sup>3</sup> See *State v. Reid*, Nos. 97-C-1836, 1834 (Davidson Co. Crim. Ct. Feb. 27, 2001) (order declining defendant's requests to abandon appeals) (Attachment 3); *State v. Reid*, Nos. 97-C-1834, 1836 (Davidson Co. Crim.Ct. Feb. 20, 2003) (order denying motion to dismiss appeals) (Attachment 4).

instead, they appear to be the product of rational thought. Indeed, petitioner was found competent to stand trial on two separate occasions, following lengthy hearings,<sup>4</sup> and the four-year-old affidavit submitted by petitioner's counsel provides no evidence that he is presently incompetent.

Granting the instant motion by petitioner's counsel, then, would lead to an anomalous result. It would effectively serve as this Court's authorization for further review to be conducted that petitioner himself does not wish to pursue. "We must not assume that it is impossible for even a death-sentenced prisoner to recognize the justice of his sentence and to acquiesce in it." *West v. Bell*, 242 F.3d 338, 343 (6th Cir. 2001). If petitioner wishes to invoke this Court's certiorari jurisdiction, or to otherwise proceed with further appellate review of his convictions and sentences, he need only say so. But, to date, he has not and has emphasized that his wishes are to the contrary. The State of Tennessee, therefore, respectfully submits that the motion for this Court to recognize *in forma pauperis* status without petitioner's affidavit should be denied.

Respectfully submitted,

PAUL G. SUMMERS  
Attorney General & Reporter  
State of Tennessee

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MICHAEL E. MOORE  
Solicitor General

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<sup>4</sup> See Attachment 4, p. 1, n. 1.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was served by facsimile and by mailing same, first-class and postage prepaid, to Ross Alderman and Jeffrey DeVasher, 1202 Stahlman Building, Nashville, Tennessee, 37201, on this, the \_\_\_\_\_ day of April, 2003.

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JOSEPH F. WHALEN  
Assistant Attorney General

**ATTACHMENT 4**