

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

STATE OF TENNESSEE v. PAUL DENNIS REID, JR.

No. M2001-02753-SC-DDT-DD - Filed: June 26, 2006

SEPARATE DISSENTING ORDER

ADOLPHO A. BIRCH, JR., Justice, dissenting.

As I have similarly noted in my dissent in the companion order released this date, State v. Paul Dennis Reid, Jr. and Paul Dennis Reid, Jr., by and through Linda Martiniano v. State, Nos. M2001-02753-SC-DDT-DD & M2006-01294-SC-28S-PD, ___ S.W.3d ___, ___ (Tenn. June 26, 2006), (Birch, J., concurring and dissenting), I would find that the evidence submitted to the Court is legally sufficient to meet the *prima facie* standard of incompetency in that this evidence shows that Reid is presently unable to understand his legal rights and liabilities or to consult with counsel with any reasonable degree of rational understanding. Accordingly, I would grant the stay of execution and remand the case to the trial court for a full hearing on the issue of competency to be executed. I respectfully dissent.

ADOLPHO A. BIRCH, JR., JUSTICE