

SUPREME COURT OF TENNESSEE

Paul Dennis Reid, Jr. v. State of Tennessee

197 S.W.3d 694 (Tenn. 2006) · Decided July 20, 2006

SUMMARY

The Supreme Court of Tennessee addressed the procedure for determining a petitioner's competency to proceed in a post-conviction action. It held that the civil incompetency standard from *State v. Nix* applies, requiring a prima facie showing supported by credible evidence to trigger a competency hearing and clear and convincing evidence to establish incompetence. The court further held that incompetence does not require staying the proceedings or holding claims in abeyance, and that a next friend or guardian ad litem may be appointed when necessary.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; William M. Barker, Chief Justice; E. Riley Anderson; Janice M. Holder; Adolpho A. Birch, Jr.
JURISDICTION	Tennessee
DECIDED	July 20, 2006
DISPOSITION	remanded
PROCEDURAL POSTURE	Interlocutory appeal under Tennessee Rule of Appellate Procedure 9 from a trial-court order establishing procedures for determining a capital post-conviction petitioner's competency to proceed.
STANDARD OF REVIEW	De novo review of issues of law, without a presumption of correctness for the lower court's conclusions.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court majority opinion; binding precedent in Tennessee.
PARTIES	Paul Dennis Reid, Jr. v. State of Tennessee

TOPICS

state post-conviction relief

competency to be executed

post-conviction relief

appellate procedure

criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether interlocutory review was appropriate to establish a uniform procedure for determining competency to proceed in a capital post-conviction action.
2. What competency standard applies to a petitioner in a post-conviction proceeding.
3. What threshold showing is required to trigger a competency hearing.
4. Who bears the burden of proving incompetence and what burden of proof applies.
5. What effect a finding of incompetence has on ongoing post-conviction proceedings.

HOLDINGS

1. Interlocutory review was proper because the appeal presented an issue of first impression in a capital case, implicated the need to prevent needless and protracted litigation, and would help establish a uniform body of law.
2. The civil standard for mental incompetence adopted in *State v. Nix* applies to competency determinations during post-conviction proceedings. A petitioner is incompetent only if unable either to manage personal affairs or to understand legal rights and liabilities.
3. A petitioner must make a prima facie showing of incompetence before a competency hearing is required, using affidavits, depositions, medical reports, or other credible evidence containing specific factual allegations demonstrating inability to manage personal affairs or understand legal rights and liabilities.
4. The petitioner bears the burden of proving incompetence to proceed in a post-conviction action by clear and convincing evidence.
5. A finding of incompetence does not require a partial or complete stay of post-conviction proceedings or abeyance of individual claims. The trial court should appoint a next friend or guardian ad litem, if necessary, to pursue the action on the petitioner's behalf.

KEY QUOTATIONS

“For the reasons explained herein, we hold that the civil standard for mental incompetence adopted in State v. Nix, 40 S.W.3d 459 (Tenn.2001), applies to a competency determination during post-conviction proceedings.” (696)

“A petitioner is, therefore, incompetent to pursue post-conviction proceedings only if he is unable either to manage his personal affairs or to understand his legal rights and liabilities.” (702)

“If a prima facie showing is made, then a competency hearing should be held.” (703)

“We agree, therefore, with the State that a finding of incompetence requires neither a partial nor complete stay of the proceedings.” (705-706)

FACTUAL BACKGROUND

Reid was convicted and sentenced to death for two first-degree murders and received a consecutive twenty-five-year sentence for especially aggravated robbery. Shortly before his scheduled execution, he filed a pro se post-conviction petition; appointed counsel later asserted that Reid was incompetent and sought to proceed without his verification. The trial court adopted a procedure for determining competency, including a prima facie evidentiary threshold, a clear-and-convincing burden of proof, and bifurcation of claims depending on whether Reid's input was required.

PROCEDURAL HISTORY

Reid filed a pro se post-conviction petition shortly before his scheduled execution, after which the trial court stayed the execution and appointed post-conviction counsel. Counsel later filed an unverified amended petition, asserted that Reid was incompetent, and sought a stay of the post-conviction proceedings. The trial court adopted a procedure requiring a prima facie showing of incompetence, clear and convincing proof at a competency hearing, and bifurcation of claims; the trial court granted an interlocutory appeal, the Court of Criminal Appeals denied review, and the Tennessee Supreme Court granted permission to appeal. The Supreme Court affirmed the trial court's ruling as modified and remanded.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court was directed to conduct further proceedings consistent with the Supreme Court's clarified procedures, including applying the civil Nix competency standard, requiring a prima facie evidentiary showing before a competency hearing, applying a clear-and-convincing burden of proof, and using a next friend or guardian ad litem rather than staying the proceedings if incompetence is found.

CASES CITED

- State v. Nix, 40 S.W.3d 459 (Tenn. 2001)
- State v. Walton, 41 S.W.3d 75, 81 (Tenn. 2001)
- State v. Gilley, 173 S.W.3d 1, 5-6 (Tenn. 2005)
- State v. Delawrence Williams, 193 S.W.3d 502 (Tenn. 2006)
- State v. Reid, 981 S.W.2d 166, 170 (Tenn. 1998)
- State v. Reid, 91 S.W.3d 247 (Tenn. 2002)
- State v. Reid, 164 S.W.3d 286, 306-08 (Tenn. 2005)
- Van Tran v. State, 6 S.W.3d 257, 263-64, 266, 270-71 (Tenn. 1999)
- Pike v. State, 164 S.W.3d 257, 262 (Tenn. 2005)
- House v. State, 911 S.W.2d 705, 712 (Tenn. 1995)
- Burford v. State, 845 S.W.2d 204, 207-10 (Tenn. 1992)
- Watkins v. State, 903 S.W.2d 302, 305, 307 (Tenn. 1995)
- Seals v. State, 23 S.W.3d 272, 276, 279 (Tenn. 2000)

- Momon v. State, 18 S.W.3d 152 (Tenn. 1999)
- Leslie v. State, 36 S.W.3d 34, 38 (Tenn. 2000)
- Howell v. State, 151 S.W.3d 450, 463-65 (Tenn. 2004)
- Atkins v. Virginia, 536 U.S. 304 (2002)
- Daryl Keith Holton v. State and Paul Dennis Reid, Jr. v. State, 2006 WL 1726656 (Tenn. May 4, 2006)
- Carter v. Florida, 706 So. 2d 873 (Fla. 1997)
- Council v. Catoe, 359 S.C. 120, 597 S.E.2d 782 (2004)
- State v. Debra A.E., 188 Wis. 2d 111, 523 N.W.2d 727 (1994)
- Whitmore v. Arkansas, 495 U.S. 149, 162-65 (1990)
- Morgan v. Potter, 157 U.S. 195, 198 (1895)
- Rohan ex rel. Gates v. Woodford, 334 F.3d 803, 807-14 (9th Cir. 2003)
- Murray v. Giarratano, 492 U.S. 1, 10 (1989)
- Rees v. Peyton, 384 U.S. 312, 314 (1966)
- People v. Owens, 139 Ill. 2d 351, 564 N.E.2d 1184, 1188 (1990)
- People v. Johnson, 192 Ill. 2d 202, 735 N.E.2d 577, 580 (2000)