

PUBLIC

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Death penalty / Legal concern

USA (Tennessee)

Paul Dennis Reid (m), white, aged 48

Paul Reid, who has a history of mental illness, is scheduled to be executed in Tennessee on 28 June. He was sentenced to death in 1999 for the 1997 murder of two young women. He has given up appeals against his conviction and death sentence.

Angela Holmes, who was 21, was kidnapped together with 16-year-old Michelle Mace, at a Baskin-Robbins ice-cream shop in the town of Clarksville on the night of 23 April 1997. Their bodies were found the following day. Both had been stabbed. At Paul Reid's trial in September 1999, the jury convicted him of the murders. At the sentencing, the state presented the jury with victim impact testimony from family members of the murder victims, graphic descriptions and photographs of the knife wounds sustained by the two women, and evidence of the defendant's prior convictions for murder (Paul Reid had already been sentenced to death for two other murders at a fast food restaurant in Nashville in 1997, and in 2000 would be sentenced to death for three other murders that took place at a Nashville McDonald's in 1997).

The defence presented expert mental health and medical testimony. A clinical psychologist testified that Paul Reid suffered from serious mental illness, including chronic schizophrenia, and had brain damage. A clinical neuropsychologist explained that Reid had suffered a number of serious head injuries as a result of childhood abuse and accidents. A neurologist explained that brain scans had revealed several abnormalities in Reid's brain, including evidence of traumatic injury. The defence experts related how Paul Reid had long suffered from delusional beliefs, including that he was under government surveillance and control. The state presented a forensic psychiatrist who testified that in his opinion Paul Reid was malingering, although he conceded that Reid had brain damage and a history of mental illness, including delusions. However, he testified that he could identify no link between these mental health issues and the crime. In closing arguments for a death sentence, the prosecutor placed the crime scene photographs of the murder victims on a projector and argued that Paul Reid's mental illness had not been behind the crime, but his "greed", using dollar bills to illustrate his point.

The jury sentenced Paul Reid to death on 22 September 1999. In May 2005, the Tennessee Supreme Court affirmed the conviction and sentences, rejecting the claims raised in his automatic direct appeal. Since then, Paul Reid has dropped his appeals. His sister is appealing to the courts to grant her "next friend" status, and to have a lawyer appointed to his case, on the grounds that her brother is mentally incompetent to waive his appeals and to act on his own behalf.

In an affidavit to the courts in support of her efforts to stop the execution, Paul Reid's sister has said that her brother "is severely mentally ill. He does not think or act in a rational manner. It seems that everything he does is guided by his belief in a government conspiracy against him to bombard him with 'scientific technology'. When he has talked about giving up appeals and being executed, he talks about ending the torture of the scientific technology". Additional affidavits from others involved in the case further describe Reid's mental problems. A neuropsychiatrist, for example, has stated that "Mr Reid's delusion, that he has been under the control of a government-directed surveillance and influence, impels, invades, and guides his daily activities as well as decision-making processes. Mr Reid's delusional beliefs substantially preclude him from making a rational choice among his legal options." The lawyer who was assigned the case before Paul Reid dropped his appeals also signed an affidavit in May 2006 stating that Reid's mental illness "substantially affects his capacity to make knowing, intelligent, and voluntary decisions about his legal situation. I have known Paul Reid for over twenty months and during that entire time, his delusional beliefs have been persistent and have pervaded his thinking about all aspects of his life. His delusional beliefs have

caused him to either refuse to discuss legal issues with me, as he believes it is futile, or to discuss only the specific delusional beliefs he holds about his trial attorneys, the trial judges, the jurors, witnesses, courtroom personnel, state and federal appellate courts, the media, the Governor, the President, Congress, Department of Correction personnel – literally everyone.”

BACKGROUND INFORMATION

At least 119 of the 1,024 men and women executed in the USA since judicial killing resumed in 1977 went to their deaths after dropping their appeals. Many of these so-called “volunteers” had histories of mental illness. A condemned prisoner who drops his appeals has to be competent to do so, but the protections in such cases have proved minimal. If a condemned inmate is found incompetent to waive his or her appeals, someone found to have legal standing as a “next friend” may pursue litigation on their behalf.

In 2002, in *Atkins v. Virginia*, the Supreme Court prohibited the death penalty for people with mental retardation. The Court reasoned that the impairments of defendants with mental retardation diminish their personal culpability and their ability to understand consequences, rendering the death penalty unjustifiable on grounds of retribution or deterrence. Amnesty International believes that there is a profound inconsistency in exempting people with mental retardation from the death penalty while those with serious mental illness remain exposed to it. The same rationale of diminished culpability, greater vulnerability and limited capacity applies to defendants afflicted with severe mental illness.

Tennessee has executed one person since 1977 – Robert Coe in 2000. He had been diagnosed as suffering from paranoid schizophrenia and brain damage.

For further information, see *USA: The execution of mentally ill offenders* (AMR 51/003/2006, January 2006), [http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/\\$File/AMR5100306.pdf](http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/$File/AMR5100306.pdf).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing sympathy for the families of Angela Holmes and Michelle Mace, and explaining that you are not seeking to downplay the seriousness of the crimes or the suffering caused;
- opposing the execution of Paul Dennis Reid;
- noting the compelling evidence that he suffers from serious mental illness and brain damage;
- calling on the Governor to stop the execution if the courts do not.

APPEALS TO:

Governor Phil Bredesen
Governor's Office
Tennessee State Capitol
Nashville, TN 37243-0001
USA

Fax: +1 615 532 9711
Email: phil.bredesen@state.tn.us
Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 June 2006.