STATE OF TENNESSEE)

) ss

COUNTY OF DAVIDSON)

AFFIDAVIT OF JAMES A. SIMMONS

I, James A. Simmons, being first duly sworn, make oath and say:

1. I am an attorney licensed in Tennessee, all federal courts, the U.S. Court of Appeals for the Sixth Circuit, and in the Supreme Court of the United States. My office is located at 1501 16th Avenue South, Nashville, Tennessee 37212. I have practiced law for twenty-three years, and represented scores of capital defendants in state and federal court at trial, appeal, and upon post-conviction.

2. I am currently counsel for Paul Dennis Reid, Jr. in the appeal of his convictions and death sentences in *State v. Paul Dennis Reid, Jr.*, Davidson County Case No. 97-C-1836, which is pending in the Tennessee Supreme Court. Briefing has been completed in that case. I also represented Mr. Reid in the appeal of his Montgomery County convictions and death sentences, *State v. Reid*, 164 S.W.3d 286 (Tenn. 2005). Thus, I have represented Mr. Reid for several years during the course of his direct appeals.

3. I have met with Mr. Reid on several occasions and attempted to discuss his legal affairs. During the entire time I have represented Mr. Reid, he has never been able to have a rational conversation with me about his cases. He will not even engage in discussions about his cases.

4. Instead, Mr. Reid's primary interest has been in discussing his sincere delusional belief that everything he says and does is recorded by the military government and that they are torturing him with "scientific technology." Mr. Reid also believes that everyone in his life, myself included, is "coached" regarding what to do or say by this nonexistent entity. His other interests involve his attempts to demonstrate his intelligence through the use of large vocabulary words, which he often misuses.

5. It is my belief, based on my personal interactions with Mr. Reid and the letters he writes to me, that he is currently completely out of touch with reality. Over the years, I have watched his mental condition, which was always very bad, deteriorate. I do not believe he can make rational decisions about his legal options. I do not believe he can make his own medical decisions, because he is not even aware that he is severely mentally ill.

6. Upon meeting with Mr. Reid after I was assigned to his appeal, I conducted legal research and made inquiry of colleagues as to whether an appellant was required to be competent upon direct appeal. It was my intent to raise the issue of Mr. Reid's competency on direct appeal if the caselaw or other authority so provided. I believed him to be incompetent because of his belief that he is being tortured and observed by the government, his inability to engage in a rational meaningful discussion regarding his legal situation and total and absolute detachment from reality. My research indicated that no such authority exists, otherwise I would have challenged Mr. Reid's competency. Further, I would have sought money for expert assistance if the law so provided.

7. Post-conviction counsel for Mr. Reid in his first Davidson County case, Kelly Gleason and Nick Hare, have consulted with me over the last couple of years. Their observations of our client have been consistent with mine. If I had not been assured that Gleason and Hare were in contact with Mr. Reid's family and willing to assist them with a next friend action, I would have contacted the family myself and assisted them in filing such an action.

FURTHER AFFIANT SAITH NOT.

Attest: James A. Simmons
JAMES A. SIMMONS

LOUIS W. OLIVER, III
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY, TN

Sworn to and subscribed before me on this the 11th day of June, 2006.

My Commission Expires: 04/25/09

Louis W. Oliver, III
NOTARY PUBLIC