

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

**PAUL DENNIS REID, JR., by and through LINDA MARTINIANO v.
STATE OF TENNESSEE**

**Circuit Court for Montgomery County
No. 38887**

No. M2006-01294-CCA-R3-PD - Filed: June 27, 2006

ORDER

The Appellant, Paul Dennis Reid, is scheduled to be executed on June 28, 2006. The Appellant, by and through Linda Martiniano as "next friend," previously filed a motion for stay of the execution pending the outcome of the appeal of the trial court's conclusion that "next friend" did not satisfy the requisite threshold for filing a post-conviction petition on behalf of Appellant. On June 23, 2006, this Court concluded it did not have the authority to stay the execution set by the supreme court, and, therefore, denied the motion to stay.

The Appellant, by and through "next friend," appealed the decision of this Court to the supreme court. On June 26, 2006, the supreme court denied the request for a stay.

This Court currently has before it a "renewed motion for stay of execution," filed by Ms. Martiniano over night on June 26, 2006. Ms. Martiniano argues that "[t]his Court has jurisdiction to enter a stay pending the appeal of right, as the Tennessee Supreme Court made clear in an Order issued today." This argument is without merit. The Supreme Court of Tennessee yesterday denied a request to stay in this case, concluding "that Martiniano has an insufficient likelihood of success on the merits of the post-conviction appeal to warrant a stay of execution." Under these circumstances, given the supreme court's order, the renewed motion to stay is hereby DENIED.

So ORDERED.

PER CURIAM

DAVID H. WELLES, JUDGE
JERRY L. SMITH, JUDGE
THOMAS T. WOODALL, JUDGE