

**CAPITAL CASE**  
**EXECUTION SCHEDULED May 21, 2026, AT 10:00 A.M.**

**No.**

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IN THE  
Supreme Court of the United States

TONY VON CARRUTHERS,  
*Petitioner,*

*v.*

STATE OF TENNESSEE,  
*Respondent.*

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE TENNESSEE SUPREME COURT

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**APPENDIX TO PETITION FOR A WRIT OF CERTIORARI**

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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

05/07/2026

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE V. TONY CARRUTHERS**

**Criminal Court for Shelby County**  
**Nos. 94-02797, 94-02798, 94-02799, 95-11128, 95-11129**

**W. Mark Ward, Senior Judge**

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**No. W1997-00097-SC-DDT-DD**

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**ORDER**

Thirty years ago, a Shelby County jury convicted Tony Carruthers<sup>1</sup> of three counts of first degree murder and sentenced him to death. After unsuccessful challenges to his convictions and sentences on direct appeal, in state post-conviction proceedings, and in federal habeas corpus proceedings, the State of Tennessee filed a motion asking this Court to set an execution date. Mr. Carruthers filed a response, asserting he is not competent to be executed and requesting a hearing pursuant to *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999), abrogated by *State v. Irick*, 320 S.W.3d 284 (Tenn. 2010). This Court granted the State's motion, set an execution date of May 21, 2026, and remanded the case to the trial court for a determination of Mr. Carruthers' present competency to be executed. On remand, the trial court granted a competency hearing but ultimately found Mr. Carruthers competent to be executed. In this automatic appeal, Mr. Carruthers argues the trial court failed to make necessary factual findings, misapplied the competency standard set out in *Panetti v. Quarterman*, 551 U.S. 930 (2007), and deprived him of due process of law. Upon review, we conclude that the trial court applied the correct legal standards and that the evidence does not preponderate against the trial court's factual finding that the defendant is presently competent to be executed. Accordingly, the judgment of the trial court is affirmed. As a result, Mr. Carruthers' application for a stay of execution based on his likelihood of success in this appeal is denied.

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<sup>1</sup> Tony Carruthers is also referred to as Tony Von Carruthers.

## I. Litigation History

### Direct Appeal

In 1994, Tony Carruthers and James Montgomery were charged with the first degree murders of Marcellos Anderson, his mother Delois Anderson, and Frederick Taylor, all of whom were buried alive beneath a casket in a Memphis cemetery. *State v. Carruthers*, 35 S.W.3d 516, 524 (Tenn. 2000). For context, it is useful to revisit our summary of the evidence from the direct appeal:

The proof introduced at the guilt phase of the trial showed that one of the victims, Marcellos Anderson, was heavily involved in the drug trade, along with two other men, Andre “Baby Brother” Johnson and Terrell Adair. Anderson wore expensive jewelry, including a large diamond ring, carried large sums of money on his person, and kept a considerable amount of cash in the attic of the home of his mother, victim Delois Anderson. When his body was discovered, Anderson was not wearing any jewelry and did not have any cash on his person. Anderson was acquainted with both defendants, and he considered Carruthers to be a trustworthy friend. The proof showed that Anderson’s trust was misplaced.

In the summer of 1993 Jimmy Lee Maze, Jr., a convicted felon, received two letters from Carruthers, who was then in prison on an unrelated conviction. In the letters, Carruthers referred to “a master plan” that was “a winner.” Carruthers wrote of his intention to “make those streets pay me” and announced, “everything I do from now on will be well organized and extremely violent.” Later, in the fall of 1993, while incarcerated at the Mark Luttrell Reception Center in Memphis awaiting his release, Carruthers was assigned to a work detail at a local cemetery, the West Tennessee Veterans’ Cemetery. At one point, as he helped bury a body, Carruthers remarked to fellow inmate Charles Ray Smith “that would be a good way, you know, to bury somebody, if you're going to kill them.... [I]f you ain’t got no body, you don't have a case.”

Smith also testified that he overheard Carruthers and Montgomery, who also was incarcerated at the Reception Center, talking about Marcellos Anderson after Anderson had driven Carruthers back to the Reception Center from a furlough. According to Smith, when Montgomery asked Carruthers about Anderson, Carruthers told him that both Anderson and “Baby Brother” Johnson dealt drugs and had a lot of money. Carruthers said he and Montgomery could “rob” and “get” Anderson and Johnson once they were released from prison.

When Carruthers was released from the Department of Correction on November 15, 1993, he left the Reception Center with Anderson. Carruthers accompanied Anderson to Andre Johnson's house, and received a gift of \$200 cash from Anderson, Johnson, and Terrell Adair, who was present at Johnson's house.

One month later, on December 15, 1993, Smith was released from the Department of Correction. Upon his release, Smith warned Anderson and Johnson of Carruthers' and Montgomery's plans to "get them." According to Smith and Johnson, Anderson did not take the warning or the defendants' threats seriously.

In mid-December 1993, Maze, his brother and Carruthers were riding around Memphis together. They came upon Terrell Adair's red Jeep on the street in front of Delois Anderson's home where a drive-by shooting had just occurred. Adair had been injured in the shooting and was in the hospital. Jonathan "Lulu" Montgomery, James Montgomery's brother, was at the scene of the shooting, and he joined Carruthers in the back seat of Maze's car. According to Maze, Carruthers remarked to Jonathan that, "it would be the best time to kidnap Marcellos," and Jonathan asked, "which one Baby Brother or Marcellos?" Carruthers then nudged Montgomery with his elbow and said "it" was going to take place after James Montgomery was released from prison. About two weeks later, on December 31, Maze saw Carruthers loading three antifreeze containers into a car, and Carruthers indicated to Maze that the containers were filled with gasoline.

On January 11, 1994, James Montgomery was released from prison. After his release, Montgomery told "Baby Brother" Johnson that he, not Johnson, was in charge of the neighborhood. Montgomery said, "It was my neighborhood before I left, and now I'm back and its [sic] my neighborhood again." Montgomery asked Johnson if he wanted to "go to war about this neighborhood." When Johnson said, "no," Montgomery replied "You feeling now like I'm about to blow your motherf---g brains out" and "you all need to get in line around here or we're going to war about this." Near the end of January or the first of February 1994, Johnson and Adair saw the defendants sitting together in an older model grey car down the street from Johnson's mother's home. It was late at night, between 11 p.m. and 1 a.m. When the defendants approached Johnson and Adair, Montgomery asked why they thought he was trying to harm them. Montgomery told them, "Look, I told you, we ain't got no problem with nobody in this neighborhood. We already got our man staked out. If we wanted some trouble or something, we got you right now. We'd kill your whole family." Confirming Montgomery's statement, Carruthers told them, "We already got our man staked out. You

all right. If it's any problem, we'll deal with it later." Montgomery explained that he intended to take the "man's" money and drugs, and said, "if the police didn't have no body, they wouldn't have no case."

On February 23, 1994, Marcellos Anderson borrowed a white Jeep Cherokee from his cousin, Michael Harris. Around 4:30 on the afternoon of February 24, 1994, witnesses saw Marcellos Anderson and Frederick Tucker riding in the Jeep Cherokee along with James and Jonathan Montgomery. About 5 p.m. that day, James and Jonathan Montgomery and Anderson and Tucker arrived in the Jeep Cherokee at the house of Nakeita Shaw, the Montgomery brothers' cousin. Nakeita Shaw, her four children, and Benton West, also her cousin, were present at the house when they arrived.

The four men entered the house and went downstairs to the basement. A short time later, James Montgomery came back upstairs and asked Nakeita Shaw if she could leave for a while so he could "take care of some business." Nakeita Shaw told West that she thought "they" were being kidnapped, and then she left the house with West and her children. West agreed to care for Nakeita Shaw's children while she attended a meeting.

When Nakeita Shaw returned home after the meeting, she saw only Carruthers and James Montgomery. Montgomery asked her to go pick up her children and to "stay gone a little longer." Nakeita Shaw returned home with her children before 10 p.m. The Jeep Cherokee was gone, but James Montgomery and Carruthers were still present at her home. Montgomery told Nakeita Shaw to put her children to bed upstairs and remain there until he told her he was leaving. Sometime later, Montgomery called out to Nakeita Shaw that he was leaving. She returned downstairs and saw James Montgomery, Carruthers, and the two victims, Anderson and Tucker, leave in the Jeep Cherokee. Prior to trial, Nakeita Shaw told the police that Anderson's and Tucker's hands were tied behind their backs when they left her house. While she admitted making this statement, she testified at trial that the statement was false and that she had not seen Anderson's and Tucker's hands tied when they left her home.

In the meantime, around 8 p.m. on February 24, Laventhia Briggs telephoned her aunt, victim Delois Anderson. When someone picked up the telephone but said nothing, Briggs hung up. Briggs called "a couple of more times" but received no answer. Briggs was living with Delois Anderson at the time and arrived at her aunt's home around 9:00 p.m. Although Delois Anderson was not home, her purse, car, and keys were there. Food left in Anderson's bedroom indicated that she had been interrupted while eating. Briggs went to bed, assuming her aunt would return home soon. A co-worker, whom Delois

Anderson had driven home around 7:15 p.m., was the last person to have seen her alive.

Chris Hines, who had known the defendants since junior high school, testified that around 8:45 p.m. on February 24, 1994, Jonathan Montgomery “beeped” him. Jonathan said, “Man, an—r got them folks.” When Hines asked, “What folks?” Jonathan replied, “Cello and them” and said something about stealing \$200,000. Jonathan then indicated that he could not talk more on the telephone and arranged to meet Hines in person. Jonathan arrived at Hines’ home at about 9:00 p.m. and told him, “Man, we got them folks out at the cemetery on Elvis Presley, and we got \$200,000. Man, a n—r had to kill them folks.” At that point, James Montgomery “beeped in” and talked with Jonathan. When the telephone call ended, Jonathan asked Hines to drive him to the cemetery. Hines refused, but he allowed Jonathan to borrow his car, which Jonathan promised to return in an hour. When the car was not returned, Hines called James Montgomery’s cellular telephone at around 11 p.m. James told Hines that he did not know where Jonathan was, that Jonathan did not have a driver’s license, and that the car should be returned by 4 a.m. because Jonathan was supposed to drive James to his girlfriend’s house.

The Jeep Cherokee that Anderson had borrowed was found in Mississippi on February 25 around 2:40 a.m. It had been destroyed by fire. About 3:30 a.m., after he was informed of the vehicle fire by law enforcement officials, Harris telephoned Delois Anderson’s home, and Laventhia Briggs then discovered that neither her aunt Delois nor her cousin Marcellos had returned home. Briggs filed a missing person report with the police later that day.

The Montgomery brothers and Carruthers did not return Hines’ car until approximately 8:30 a.m. on February 25. The car was very muddy. Hines drove James Montgomery and Carruthers to Montgomery’s mother’s home and then drove away with Jonathan Montgomery. That morning Jonathan, whom Hines described as acting “paranoid” and “nervous,” repeatedly told Hines that “they had to kill some people.” About two hours later, James Montgomery and Carruthers came to Hines’ home looking for Jonathan. Hines advised Carruthers and James Montgomery that he was celebrating his birthday, and he asked James Montgomery to give him a birthday present. James agreed to give Hines twenty dollars after he picked up his paycheck, and James also agreed to have Hines’ car washed immediately as a birthday present.

Hines, the Montgomery brothers, and Carruthers drove to a carwash, and James Montgomery paid an unidentified elderly man to clean the car. The

man cleaned the interior of the car and the trunk of the car. Neither Carruthers nor James Montgomery supervised the cleaning of the car. After Jonathan Montgomery abruptly left the carwash, Carruthers and James Montgomery asked Hines what Jonathan had told him, but Hines did not tell them. Several days later James Montgomery came to Hines' home and offered Hines an AK-47 assault rifle because Montgomery said he had "heard that Hines was into it with some people on the street." James Montgomery told Hines the rifle had "blood on it." Hines testified that he interpreted this statement to mean that someone had been shot with the weapon.

On March 3, 1994, about one week after a missing person report was filed on Delois and Marcellos Anderson, Jonathan Montgomery directed Detective Jack Ruby of the Memphis Police Department to the grave of Dorothy Daniels at the Rose Hill Cemetery on Elvis Presley Boulevard. Daniels' grave was located six plots away from the grave site of the Montgomery brothers' cousin. Daniels had been buried on February 25, 1994. Pursuant to a court order, Daniels' casket was disinterred, and the authorities discovered the bodies of the three victims buried beneath the casket under several inches of dirt and a single piece of plywood.

An employee of the cemetery testified that a pressed wood box or vault had been placed in Daniels' grave during working hours on February 24 and that it would have taken at least two people to remove the box. Daniels' casket had been placed in the grave inside the box on February 25, and, according to Dr. Hugh Edward Berryman, one of the forensic anthropologists who assisted in the removal of the bodies from the crime scene, there was no evidence to suggest that Daniels' casket had been disturbed after she was buried. Thus, it can be inferred that the bodies of the three victims were placed in the grave and covered with dirt and a piece of plywood prior to the casket being placed in the grave.

Dr. O.C. Smith, who helped remove the bodies from the grave and who performed autopsies on the victims, testified that, when found, the body of Delois Anderson was lying at the bottom of the grave and the bodies of the two male victims were lying on top of her. The hands of all three victims were bound behind their backs. Frederick Tucker's feet were also bound and his neck showed signs of bruising caused by a ligature. A red sock was found around Delois Anderson's neck. Marcellos Anderson was not wearing any jewelry. Dr. Smith testified that Delois Anderson died from asphyxia caused by several factors: the position of her head against her body, dirt in her mouth and nose, and trauma from weight on her body. Frederick Tucker had received a gunshot wound to his chest, which would not have been fatal had he received medical care. He had also suffered injuries from blunt trauma to

his abdomen and head resulting in broken ribs, a fractured skull, and a ruptured liver. Dr. Smith opined that Tucker was shot and placed in the grave, where the force of compression from being buried produced the other injuries and, along with the gunshot wound, caused his death. According to Dr. Smith, Marcellos Anderson had been shot three times: a contact wound to his forehead that was not severe and two shots to his neck, one of which was also not serious. However, the gunshot causing the other neck wound had entered Anderson's windpipe and severed his spinal cord, paralyzing him from the neck down. This wound was not instantaneously fatal. Anderson had also suffered blunt trauma to his abdomen from compression forces. Dr. Smith opined that each victim was alive when buried.

Defendant James Montgomery presented no proof. Carruthers, acting pro se,<sup>2</sup> called several witnesses to rebut the testimony offered by the State, primarily by attacking the credibility of the State's witnesses.

A health administrator at the Mark Luttrell Reception Center testified that, because of an injury to his arm, Carruthers had been given a job change on October 6, 1993, and had not worked at the cemetery after that date. Another official at the Reception Center testified that Carruthers was not released on furlough after Montgomery arrived at the Reception Center on November 4, 1994. This proof was offered to impeach Smith's testimony that Montgomery and Carruthers discussed robbing and getting Marcellos Anderson after Anderson drove Carruthers back to the Reception Center following a furlough. An investigator appointed to assist Carruthers with his defense testified that he had interviewed Maze, who admitted he did not know anything about the "master plan" to which Carruthers referred in the letters until Carruthers was released from prison. On cross-examination, the investigator admitted that Maze said that when he was released from prison, Carruthers had explained that the master plan involved kidnapping Marcellos Anderson. Carruthers' brother and another witness testified that Jonathan Montgomery was not at the scene of the drive-by shooting involving Terrell Adair. This proof was offered to impeach Maze's testimony that Carruthers and Jonathan Montgomery discussed kidnapping Marcellos on the day that Terrell Adair was shot. Another witness, Aldolpho Antonio James testified that he and Carruthers had been visiting a friend between the hours of 1:00 a.m. and 2:00 a.m. the day before these homicides were first reported on the news. This testimony was offered to provide at least a partial alibi for Carruthers for the early morning hours of February 25, 1994. However, on cross-examination, James admitted that he did not know the exact date he

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<sup>2</sup> The issue of Mr. Carruthers' self-representation is covered extensively in this Court's opinion on direct appeal and in the second and third tiers of review.

and Carruthers had been together.

Carruthers also called Alfredo Shaw as a witness. After seeing a television news report about these killings in March of 1994, Alfredo Shaw had telephoned CrimeStoppers and given a statement to the police implicating Carruthers. Alfredo Shaw later testified before the grand jury which eventually returned the indictments against Carruthers and Montgomery. Prior to trial, however, several press reports indicated that Alfredo Shaw had recanted his grand jury testimony, professed that the statement had been fabricated, and intended to formally recant his grand jury testimony when called as a witness for the defense. Therefore, when Carruthers called Alfredo Shaw to testify, the prosecution announced that if he took the stand and recanted his prior sworn testimony, he would be charged with and prosecuted for two counts of aggravated perjury. In light of the prosecution's announcement, the trial court summoned Alfredo Shaw's attorney and allowed Alfredo Shaw to confer privately with him. Following that private conference, Alfredo Shaw's attorney advised the trial court, defense counsel, including Carruthers, and the prosecution, that Alfredo Shaw intended to testify consistently with his prior statements and grand jury testimony and that any inconsistent statements Alfredo Shaw had made to the press were motivated by his fear of Carruthers and by threats he had received from him.

Despite this information, Carruthers called Alfredo Shaw as a witness and as his attorney advised, Shaw provided testimony consistent with his initial statement to the police and his grand jury testimony. Specifically, Alfredo Shaw testified that he had been on a three-way call with Carruthers and either Terry or Jerry Durham, and during this call, Carruthers had asked him to participate in these murders, saying he had a "sweet plan" and that they would each earn \$100,000 and a kilogram of cocaine. Following his arrest for these murders, Carruthers was incarcerated in the Shelby County Jail along with Alfredo Shaw, who was incarcerated on unrelated charges. Carruthers and Alfredo Shaw were in the law library when Carruthers told Alfredo Shaw that he and some other unidentified individuals went to Delois Anderson's house looking for Marcellos Anderson and his money. Marcellos was not there when they arrived, but Carruthers told Delois Anderson to call her son and tell him to come home, "it's something important." When Anderson arrived, the defendants forced Anderson, Tucker, who was with Anderson, and Delois Anderson into the jeep at gunpoint and drove them to Mississippi, where the defendants shot Marcellos Anderson and Tucker and burned the jeep. According to Alfredo Shaw, the defendants then drove all three victims back to Memphis in a stolen vehicle. Alfredo Shaw testified that, after they put Marcellos Anderson and Tucker into the grave, Delois Anderson started screaming and one of the defendants told her to "shut up"

or she would die like her son and pushed her into the grave. Carruthers also told Alfredo Shaw that the bodies would never have been discovered if “the boy wouldn’t have went and told them folks.” Carruthers told Alfredo Shaw that he was not going to hire an attorney or post bond because the prosecution would then learn that the murders had been a “hit.” Carruthers told Alfredo Shaw that Johnson also was supposed to have been “hit” and that Terry and Jerry Durham were the “main people behind having these individuals killed.” Carruthers said that the Durhams wanted revenge because Anderson and Johnson had previously stolen from them.

In response to questioning by Carruthers, Alfredo Shaw acknowledged that he had told the press that his statement to police and his grand jury testimony had been fabricated, but said he had done so because Carruthers had threatened him and his family. According to Alfredo Shaw, one of Carruthers’ investigators had arranged for a news reporter to speak with him about recanting his grand jury testimony.

As impeachment of his own witness, Carruthers called both Jerry and Terry Durham, twin brothers, as witnesses. The Durhams denied knowing Alfredo Shaw and said they had never been party to a three-way telephone call involving Alfredo Shaw and Carruthers. Carruthers also called attorney AC Wharton who testified that he was initially retained by Carruthers’ mother to represent her son on these murder charges, but was required to withdraw because of a conflict of interest. This testimony was offered to impeach Alfredo Shaw’s statement that Carruthers had said he was not going to hire an attorney or post bond. Finally, Carruthers called an administrative assistant from the Shelby County jail who testified that jail records, [sic] indicated that Alfredo Shaw was not in the law library at the same time as Carruthers in either February or March of 1994. According to jail records, Alfredo Shaw was in protective custody for much of that time and, as a result, would have been escorted at all times by a guard. However, on cross-examination, this witness admitted that the jail records regarding the law library were not always complete or accurate and that Alfredo Shaw had been housed outside of protective custody from mid-March to early April 1994 which would have afforded him the opportunity to interact with Carruthers. The record reflects that Alfredo Shaw came forward and provided a statement to police on March 27, 1994 and that the indictments were returned on March 29, 1994.

*Id.* at 524–30 (footnotes omitted). Based on this proof, the jury found Mr. Carruthers guilty of three counts of first degree murder, three counts of especially aggravated kidnapping, and one count of especially aggravated robbery. *Id.* at 530. At the conclusion of the penalty phase, the jury sentenced Mr. Carruthers to death on each first degree murder conviction

based on four aggravating circumstances. *Id.* at 530–32. This Court affirmed Mr. Carruthers’ convictions and sentences. *State v. Carruthers*, 35 S.W.3d 516 (2000), *cert. denied Carruthers v. Tennessee*, 533 U.S. 953 (2001).

## State Post-Conviction/State Habeas Corpus

In 2001, Mr. Carruthers sought state post-conviction relief. After an evidentiary hearing, the post-conviction court denied relief. The Tennessee Court of Criminal Appeals affirmed the post-conviction court’s judgment, and this Court denied Mr. Carruthers’ application for permission to appeal. *Carruthers v. State*, No. W2006-00376-CCA-R3-PD, 2007 WL 4355481 (Tenn. Crim. App. Dec. 12, 2007), *perm. app. denied* (Tenn. May 27, 2008). During the pendency of these proceedings, Mr. Carruthers also filed a petition for state habeas corpus relief, alleging his judgments are void. The habeas court dismissed the petition, and the Tennessee Court of Criminal Appeals affirmed. *Carruthers v. Worthington*, No. E2007-01478-CCA-R3-HC, 2008 WL 2242534 (Tenn. Crim. App. June 2, 2008).

## Federal Habeas Corpus

In June 2008, Mr. Carruthers filed a petition for writ of habeas corpus in the United States District Court for the Western District of Tennessee. In his pro se petition and subsequent amended petition, Mr. Carruthers raised forty grounds for relief including claims he was incompetent to stand trial and is incompetent to be executed.<sup>3</sup> Upon consideration, the federal district court denied relief. *Carruthers v. Carpenter*, No. 2:08-cv-02425 (W.D. Tenn. Mar. 31, 2014). The Sixth Circuit Court of Appeals granted a certificate of appealability on three issues.<sup>4</sup> Following review, the panel affirmed the federal district court’s denial of relief. *Carruthers v. Mays*, 889 F.3d 273 (6th Cir. 2018), *reh’g en banc denied* June 25, 2018, *cert. denied* 586 U.S. 1146 (2019).<sup>5</sup>

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<sup>3</sup> The federal district court concluded that Mr. Carruthers’ competency-to-be-executed claim was not ripe for adjudication at that time. *Carruthers v. Carpenter*, No. 2:08-cv-02425, slip op. at 237-38 (W.D. Tenn. Mar. 31, 2014).

<sup>4</sup> The panel granted a certificate of appealability on the following issues: “(1) whether the trial court violated Carruthers’ right to counsel when it compelled him to proceed pro se at trial; (2) whether Carruthers was competent to stand trial and to waive his right to counsel, and (3) whether Carruthers procedurally defaulted (1) and/or (2).” *Carruthers v. Westbrooks*, No. 14-5457 (6th Cir. Dec. 28, 2015) (Order).

<sup>5</sup> During the pendency of the federal habeas corpus proceedings, Mr. Carruthers filed a motion to reopen his state post-conviction proceedings pursuant to the Post-Conviction DNA Analysis Act. In his motion, he sought testing of a blanket and vaginal swab from victim Delois Anderson. The post-conviction court denied relief, and the Tennessee Court of Criminal Appeals affirmed. *Carruthers v. State*, No. W2012-01473-CCA-R3-PD, 2013 WL 3968787 (Tenn. Crim.

## **Motion to Set Execution Date/Competency to Be Executed**

At the conclusion of the standard three-tier review, the State filed a motion to set an execution date for Mr. Carruthers in accordance with Tennessee Supreme Court Rule 12(4). In his response to the motion, Mr. Carruthers raised the issue of his competency to be executed and requested a hearing pursuant to *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999). *See* Tenn. Sup. Ct. R. 12(4)(A). By order dated September 30, 2025, this Court set Mr. Carruthers' execution for May 21, 2026, with corresponding deadlines for proceedings to consider his competency-to-be-executed claim.<sup>6</sup>

On February 13, 2026, Mr. Carruthers filed a petition in the Criminal Court for Shelby County, Tennessee, to be declared incompetent to be executed, and the State filed a response on February 17, 2026. Upon its initial review, the trial court concluded that Mr. Carruthers had made the requisite *Van Tran* "threshold showing" to proceed to a competency hearing. The trial court appointed two mental health experts, Dr. Bhushan Agharkar and Dr. Thomas Schacht, to evaluate Mr. Carruthers and conducted a competency hearing from March 9 through March 12, 2026. On March 16, 2026, the trial court entered an order finding Mr. Carruthers competent to be executed.

In accordance with *Van Tran*, Mr. Carruthers appealed directly to this Court. *See Van Tran*, 6 S.W.3d at 272. The trial record was filed on March 31, 2026; Mr. Carruthers filed his brief on April 6, 2026; the State filed its responsive brief on April 13, 2026; and Mr. Carruthers filed a reply brief on April 15, 2026. After reviewing the briefs, this Court has determined that no extraordinary circumstances require oral argument. We have expeditiously and carefully reviewed the record and the briefs. *Id.* at 272. For the reasons explained below, we affirm the judgment of the trial court.

## **II. *Van Tran* Appeal**

### **Standard of Review**

In a *Van Tran* competency hearing, the prisoner is presumed competent. *State v. Irick*, 320 S.W.3d 284, 292 (Tenn. 2010). To prevail, the prisoner must overcome this presumption by a preponderance of the evidence by offering evidence relating to the inmate's *present* incompetency. *Id.* (emphasis added). In our review of the trial court's

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App. Aug. 1, 2013), *perm. app. denied* (Tenn. Dec. 10, 2013).

<sup>6</sup> The State's motion to set an execution date was filed on September 20, 2019. The onset of COVID-19, followed by an executive pause of executions in Tennessee, delayed the setting of Mr. Carruthers' execution date.

competency determination in a *Van Tran* appeal, we review questions of law de novo with no presumption of correctness. *Id.* However, we review the trial court’s finding on the issue of competency as a question of fact, presumed correct unless the evidence in the record preponderates against the finding. *Id.*

In considering a prisoner’s competency to be executed, the trier of fact may consider both lay and expert testimony. *See State v. Flake*, 88 S.W.3d 540, 554 (Tenn. 2002). The weight and value to be given to expert testimony is a question for the trier of fact. *Id.* When there is a conflict in the evidence presented, the trier of fact is not required to accept expert testimony over other evidence, and it must determine the weight and credibility of each witness in light of all the facts and circumstances of the case. *Id.* Questions concerning the credibility of witnesses, the weight and value of the evidence, as well as all factual disputes raised by the evidence, are for the trier of fact. *Id.* On appeal, this Court does not reweigh the evidence or reevaluate credibility determinations. *Id.* The party seeking to overturn the trial court’s findings on appeal bears the burden of demonstrating why the evidence in the record preponderates against those findings. *Henley v. State*, 960 S.W.2d 572, 579 (Tenn. 1997).

## Standard of Competency

We review the findings and conclusions below in light of the applicable competency standard. As we explained recently in *Black v. State*, No. M2000-00641-SC-DPE-CD, 2025 WL 1927568 (Tenn. July 8, 2025), this Court held in *Van Tran* that a prisoner is not competent to be executed “if the prisoner lacks the mental capacity to understand the fact of the impending execution and the reason for it.” *Id.* at \*5 (quoting *Van Tran*, 6 S.W.3d at 266). After the United States Supreme Court revisited the standard for competency to be executed in *Panetti v. Quarterman*, 551 U.S. 930 (2007), this Court concluded that the *Van Tran* competency standard must be construed consistently with the *Panetti* standard as follows:

In our view, *Panetti* teaches that the test for competence to be executed requires a prisoner to have “a rational understanding of his conviction, his impending execution, and the relationship between the two.” Stated differently, under *Panetti*, execution is not forbidden so long as the evidence shows that the prisoner does not question the reality of the crime or the reality of his punishment by the State for the crime committed.

*Irick*, 320 S.W.3d at 295; *see also Black*, 2025 WL 1927568, at \*5. In *Irick*, this Court observed that *Panetti* “emphasizes that a prisoner seeking to establish incompetency may not be foreclosed from offering proof to show that a mental illness obstructs his rational understanding of his conviction, his impending execution, and the relationship between the two.” *Irick*, 320 S.W.3d at 295. Later, in *Madison v. Alabama*, the Supreme Court further explained that:

[t]he critical question is whether a “prisoner’s mental state is so distorted by a mental illness” that he lacks a “rational understanding” of ‘the State’s rationale for [his] execution. Or similarly put, the issue is whether a “prisoner’s concept of reality” is “so impair[ed]” that he cannot grasp the execution’s meaning and purpose’ or the “link between [his] crime and its punishment.”

586 U.S. 265, 269 (2019) (quoting *Panetti*, 551 U.S. at 958-60). Thus, the judge assessing a prisoner’s competency to be executed “must look beyond any given diagnosis to a downstream consequence.” *Id.* at 279 (explaining that “delusions come in many shapes and sizes, and not all will interfere with the understanding that the Eighth Amendment requires”). So, the critical question is whether the inmate “can reach a ‘rational understanding’ of why the State wants to execute him.” *Id.* at 283.

In view of these controlling standards, we consider whether the evidence preponderates against the trial court’s finding that Mr. Carruthers is presently competent to be executed.

### **Mr. Carruthers’ Petition**

In his petition to be declared incompetent to be executed, Mr. Carruthers alleges he suffers from delusions due to brain damage and schizoaffective disorder, bipolar type that interferes with his ability to rationally understand the execution and the reasons for it. The petition includes multiple attachments including declarations from current and former counsel and a current paralegal, who offered their layperson characterizations of Mr. Carruthers’ delusions or false beliefs. Mr. Carruthers also attached a February 2026 report from Dr. Agharkar, a psychiatrist who evaluated and diagnosed Mr. Carruthers in 2011. Dr. Agharkar did not conduct a new in-person evaluation of Mr. Carruthers, but he reviewed Tennessee Department of Correction (TDOC) records, recorded telephone calls and voicemails, a recent letter written by Mr. Carruthers, and the declarations from counsel. In his February 2026 report, Dr. Agharkar concluded:

Based on the data reviewed, it is my professional opinion, that I hold to a reasonable degree of medical certainty, that Mr. Carruthers is not competent to be executed under the *Panetti* standard. While ideally I would be able to interview him to gauge his current state of mind, his paranoia precludes any such evaluation. Nonetheless, there is voluminous data available to reach my determination. His continued conviction that he will be released imminently, paranoia regarding his attorneys, and his fixation on his entitlement to payments for illogical and delusional claims to the exclusion of concern regarding his execution all are indicators that he is not able to rationally comprehend the connection between his conviction and his impending

execution. *Panetti v. Quarterman*, 551 U.S. 930, 960 (2007). As the Supreme Court stated in *Panetti*, “Gross delusions stemming from a severe mental disorder may put an awareness of a link between a crime and its punishment in a context so far removed from reality that the punishment can serve no proper purpose.”

As noted, the trial court found that Mr. Carruthers made the requisite *Van Tran* threshold showing that his competency to be executed is generally in issue “based primarily on the statements of Dr. Agharkar” contained in an exhibit to the petition. The State agreed that a competency hearing was warranted based on four opinions of Dr. Agharkar stated in the same exhibit, “so that the State can test Carruthers’ allegations and rebut the evidence.”

## Hearing Testimony

At the competency hearing, Mr. Carruthers initially presented the testimony of former counsel Richard Tennent and Kelley Henry; paralegal Satyra Deaver; Attorney Casey Swanson of the Federal Community Defender – Eastern District of Michigan; and Dr. Agharkar. The State presented the testimony of Dr. Thomas Schacht. At the conclusion of Dr. Schacht’s testimony, Mr. Carruthers recalled Mr. Tennent and presented testimony from former counsel Houston Goddard and Mr. Carruthers himself. Forty-six exhibits were entered into evidence at the hearing.

### Richard Tennent

Attorney Richard Tennent represented Mr. Carruthers from 2018 through 2023 while employed with the Capital Habeas Unit of the Federal Public Defender’s Office for the Middle District of Tennessee. During the representation, Mr. Tennent spoke with Mr. Carruthers by telephone approximately 75 times a year and visited him in person twice. His last contact with Mr. Carruthers was in 2023. Mr. Tennent prepared Mr. Carruthers’ response to the State’s 2019 motion to set an execution date, including his request for a certificate of commutation and his assertion of an incompetency-to-be-executed claim.

In Mr. Tennant’s layman’s view, Mr. Carruthers is fixated on multiple false beliefs or delusions. As examples, he cites Mr. Carruthers’ belief that he is under constant surveillance and that his telephone calls are being monitored by everyone involved in the case. According to Mr. Tennent, Mr. Carruthers falsely believes he is entitled to significant compensation for each of these ethical violations based on Tennessee Rule of Professional Conduct 3.3.

Mr. Tennent testified that Mr. Carruthers is also fixated on Alfredo Shaw, a defense witness at trial who claimed Mr. Carruthers confessed to him in jail. He said Mr. Carruthers mentioned Mr. Shaw in every conversation. He added that Mr. Carruthers believes everyone knows he did not commit these crimes and was framed by Mr. Shaw. Further,

Mr. Carruthers believes Mr. Shaw is a liar who gave false testimony and is a paid government informant. Mr. Carruthers wrote letters to the Internal Revenue Service (IRS) based on his belief prosecutors were not reporting payments to informants. Mr. Tennent said Mr. Carruthers' beliefs about Mr. Shaw are "far from delusional," explaining that many related issues were litigated in the post-conviction proceedings. Further, these proceedings led to what Mr. Carruthers refers to as the "fraud upon the court" packet prepared by prior counsel that evolved into an application to the Justice Review Unit in Shelby County. Mr. Tennent said Mr. Carruthers believed the parties responsible for the fraud would be arrested, and he would be released.

According to Mr. Tennent, Mr. Carruthers would become angry with attorneys and experts who wanted to assess his mental health or competency. He said Mr. Carruthers denied he is mentally ill or incompetent. In fact, Mr. Carruthers desired to seek compensation from these attorneys by filing claims via their malpractice insurance.

On cross-examination, Mr. Tennent clarified that when he states that Mr. Carruthers is delusional or displays paranoia, Mr. Tennent means Mr. Carruthers believes things that Mr. Tennent believes are not true. As to Mr. Carruthers' belief that his calls from prison are being monitored, Mr. Tennent acknowledged his awareness of a class action lawsuit against Global Tel Link involving improper recording of attorney-client calls, adding that such lawsuits can result in monetary judgments. Mr. Tennent also agreed that on approximately six occasions he likely reinforced Mr. Carruthers' belief that their conversations were being recorded. Thus, Mr. Tennent agreed there was a "kernel of truth" in Mr. Carruthers' belief.

Regarding Mr. Carruthers' belief that he is being illegally incarcerated, Mr. Tennent agreed that, stated differently, Mr. Carruthers has a deeply held belief he is innocent of the crimes for which he was convicted. Although Mr. Tennent believes Mr. Carruthers thinks this is a "giant farce" and that the death penalty is only being used to coerce him into entering a plea, Mr. Tennent agreed Mr. Carruthers has never disputed that he has been convicted of these crimes. Mr. Tennent agrees that it seems Mr. Carruthers believes if he files complaints with the Board of Professional Responsibility (BPR) against the attorneys involved in the fraud, the BPR will investigate, and he will be immediately released and exonerated. Mr. Tennent reiterated that Mr. Carruthers is fixated on Shaw, and he acknowledged that since Mr. Carruthers' conviction in 1996, Mr. Carruthers has unsuccessfully litigated various claims related to Mr. Shaw.

During re-direct examination, Mr. Tennent recalled that Mr. Carruthers believed some of his former male counsel had a sexual interest in him and had "made passes at him." Finally, when asked if he believes Mr. Carruthers believes the State does not wish to execute him, Mr. Tennent responded that he is convinced Mr. Carruthers thinks "this is all a sham . . . to coerce an *Alford* plea."

## Kelley Henry

Attorney Kelley Henry, chief of the Capital Habeas Unit for the Federal Public Defender for the Middle District of Tennessee, took over direct representation of Mr. Carruthers in 2020. As supervisor, Ms. Henry initially assigned Mr. Carruthers' case to Mr. Tennent, and she worked internally on the case in 2019 prior to making an entry of appearance. In November 2025, she reassigned the case to present counsel, Mr. Jensen and Ms. Harwell. Ms. Henry met with Mr. Carruthers on one occasion during a visit to the prison to speak with her clients about the new lethal injection protocol; however, Mr. Carruthers only wanted to talk about Alfredo Shaw. In addition to this single visit, Ms. Henry spoke with Mr. Carruthers, on average, once every other month during her representation.

Ms. Henry said that, due to the perceived federal wiretap, the calls began with Mr. Carruthers announcing himself and informing the listeners they owe him \$3.3 million dollars for listening to his attorney-client calls. Ms. Henry said Mr. Carruthers regularly left voicemails for her with some variation on the theme of Mr. Shaw, "fraud on the court," and writing to the BPR. She said that at some point, Mr. Carruthers brought the idea of federal income taxes into the "delusion," informing Ms. Henry she should report to her superiors that confidential informants are not paying federal income taxes. She acknowledged that she used the term "delusion" in the layperson sense.

Ms. Henry recalled that Mr. Carruthers told her she could take certain actions that would result in his immediate release. For example, to secure his immediate release, she could report his former counsel to Sandy Garrett at the BPR; inform John Bledsoe, Assistant Attorney General and "officer of the court" of the fraud on the court; and/or inform the IRS that confidential informants do not pay their income taxes on payments made by prosecutors. Ms. Henry said Mr. Carruthers would call her office regularly and almost always mentioned the \$3.3 million owed to him for violations; however, Ms. Henry said there is no basis in fact that he is going to receive this money.

Ms. Henry testified that she believed Mr. Carruthers might be mentally ill, citing his "paranoia, the delusions, the pressured speech, the poverty of thought." According to Ms. Henry, Mr. Carruthers never mentioned to her his death sentence or the reason for his death sentence.

On cross-examination, Ms. Henry agreed that Mr. Carruthers has always maintained his innocence. Ms. Henry said she declined Mr. Carruthers' request to file a disciplinary complaint against former assistant district attorney John Campbell for his actions in the fraud regarding Mr. Shaw.

## Satyra Deaver

Satyra Deaver, chief paralegal with the Federal Public Defender's Office, has served as paralegal on Mr. Carruthers' case since September 2008. Ms. Deaver said Mr. Carruthers communicated with their office more than any other client. In her layperson view, Mr. Carruthers exhibits various paranoid ideas including: his food and toothpaste are being poisoned; TDOC employs homosexuals who are against him; his cell door is monitored by a camera 24/7; the phones have wiretaps; and a named federal counsel has sexually transmitted infections (STIs). Additionally, Ms. Deaver explained that Mr. Carruthers is fixated with taking the bar cards of every attorney and judge who has wronged him; with promoting hashtags; and with the number 3.3. Ms. Deaver presented documents and recordings reflecting Mr. Carruthers' communications on each of these subjects.

According to Ms. Deaver, Mr. Carruthers is promoting and asking staff to push three main hashtags—“#they paid Alfredo Shaw to lie;” “#they paid Alfredo Shaw to lie on Tony Carruthers or Tony Von Carruthers;” and “#free Tony Von Carruthers today.” In Ms. Deaver's view, Mr. Carruthers believes that if staff pushes the hashtags on their social media, he will go free and collect his money. Ms. Deaver also presented communications related to the “fraud on the court” issues concerning Alfredo Shaw and Mr. Shaw's purported failure to pay income taxes on monies paid to him as a confidential informant. Ms. Deaver testified that Mr. Carruthers continues to call her but less frequently. Ms. Deaver said Mr. Carruthers has expressed no concern about his impending execution and has not mentioned his execution in recent calls.

On cross-examination, Ms. Deaver agreed that Mr. Carruthers has never disputed the jury convicted him and that the jury sentenced him to death for his conviction; however, she further commented that they haven't talked about it. In response to further questions, Ms. Deaver said Mr. Carruthers never told her he was not at the trial; was not convicted of the murders of the three individuals; or was not sentenced to death. However, she agrees Mr. Carruthers did not like how the trial went and that Mr. Carruthers has been fighting since the trial to overturn his conviction. Ms. Deaver said she was aware Mr. Carruthers filed a pro se petition for fingerprint testing that was argued on January 6, 2026. She agreed that publicity is a big part of the Federal Public Defender's Office, and she acknowledged that publicity, including pushing hashtags, can engender results.

## Casey Swanson

Attorney Casey Swanson testified that she is an Assistant Federal Defender for the Federal Community Defender Office in the Eastern District of Michigan in Detroit. Ms. Swanson said her office is not connected with the Office of the Federal Public Defender in Nashville and her office has never represented Tony Carruthers. She became acquainted with Mr. Carruthers after he left several voicemails on her work cell phone talking about wiretaps and \$3.3 million or trillion. Ms. Swanson initially thought these were “spam”

calls, but in 2022, she spoke directly with Mr. Carruthers. According to Ms. Swanson, Mr. Carruthers routinely talked about wiretaps, the \$3.3 million, Alfredo Shaw, tax evasion, and hashtags.

Ms. Swanson eventually obtained permission from Mr. Tennent to speak with Mr. Carruthers, and she began sending the voicemail recordings to Ms. Deaver. She never asked Mr. Carruthers to stop calling, and she never blocked his number, indicating she would take his calls on average twice per year. However, when she learned of Mr. Carruthers' execution date, Ms. Swanson took his calls once or twice per month. In the most recent calls, Mr. Carruthers spoke with Ms. Swanson about pushing hashtags on social media.

## Dr. Bhushan Agharkar

Dr. Bhushan Agharkar, a board-certified psychiatrist from Atlanta, Georgia, provided a report in support of Mr. Carruthers' petition to be declared incompetent to be executed and testified at the hearing on Mr. Carruthers' behalf. Mr. Carruthers' former counsel first contacted Dr. Agharkar in 2008 initially seeking assistance in improving communication with Mr. Carruthers and ultimately seeking an evaluation of Mr. Carruthers' competency to stand trial (post-trial) and his competency to waive certain rights. In 2011, Dr. Agharkar conducted an in-person interview that lasted approximately three and a half hours. In the fall of 2025, counsel asked Dr. Agharkar to update his 2011 interview by conducting a new psychiatric interview or evaluation related to a January 2026 hearing on Mr. Carruthers' pro se fingerprint petition and his competency to proceed pro se in those proceedings. Dr. Agharkar attempted to interview Mr. Carruthers on two occasions; however, Mr. Carruthers refused to meet with him. Dr. Agharkar prepared a report for the January 2026 hearing, and subsequently, prepared an updated report, which was attached to Mr. Carruthers' petition to be declared incompetent to be executed.

Dr. Agharkar recalled the 2011 interview and his diagnosis of schizoaffective disorder, bipolar type. Turning to the 2026 evaluation, Dr. Agharkar again noted that he was unable to interview Mr. Carruthers despite his preference to interview Mr. Carruthers to talk to him about his symptoms. He said, in the absence of an interview, he obtained that kind of information from other sources. Dr. Agharkar included a comprehensive list of the data he reviewed, noting that he primarily relied on the declarations, the handwritten letters, the recorded calls and voicemails, and the TDOC medical records. Dr. Agharkar identified specific TDOC records spanning from 2011 through 2023 that, in his view, support his diagnosis. Upon reviewing these additional materials, Dr. Agharkar said his diagnosis remains the same.

As to the delusions, Dr. Agharkar said Mr. Carruthers believes there is a conspiracy against him. According to Dr. Agharkar, Mr. Carruthers believes his attorneys are trying to get him killed; that everything is working against him; and that there is a "fraud upon

the court” based on ethical violations and that as a result of the ethical violations he is entitled to monetary damages. When asked to clarify his understanding of Mr. Carruthers’ understanding of the purpose of his execution, Dr. Agharkar said that Mr. Carruthers believes the State’s reason for executing him is to deprive him of remuneration for his claims. He explained that Mr. Carruthers believes the State is playing a “game of chicken” in order to force him to settle his monetary claims or to deprive him of his money. Dr. Agharkar described another delusion about the number 3.3, which is based on ethical guideline 3.3 and relates to the amount of money to which Mr. Carruthers believes he is entitled to receive for every ethical violation.

Dr. Agharkar also generally discussed Mr. Carruthers’ delusions about federal taxes owed by informants; poisoning of his food; constant monitoring in prison; his former counsel’s STIs; social media hashtags; a wiretap; and a possible connection between Judge Joe Brown withdrawing from the mayor’s race and Governor Lee possibly listening to his calls. (521) When asked how these delusions relate to whether Mr. Carruthers has a rational understanding of the connection between his conviction, his sentences, and his execution, Dr. Agharkar testified that based on the assessment of everything he had reviewed, Mr. Carruthers does not have a rational connection and rational understanding between why he was convicted and the execution. Instead, according to Dr. Agharkar, Mr. Carruthers thinks that the vast conspiracy is keeping him from the money he is owed and that he will be executed or forced into a settlement of some kind. Dr. Agharkar testified he was addressing only the rational component of the *Panetti* standard and was not testifying that Mr. Carruthers lacks awareness of his conviction and death sentence.

On cross-examination, Dr. Agharkar said that in his observations of Mr. Carruthers during the competency hearing, Mr. Carruthers did not appear to be in a manic state at this time; did not appear to be psychotic; and showed no signs of psychosis.

Dr. Agharkar also acknowledged that Mr. Carruthers was able to communicate about problems related to his housing during the week of the hearing and was able to communicate with counsel. When asked about his direct testimony that Mr. Carruthers believes his attorneys are trying to kill him, Dr. Agharkar agreed that Mr. Carruthers does not believe his attorneys are literally trying to kill him. Instead, he means his attorneys are not raising issues he believes have merit and could result in his exoneration. However, Dr. Agharkar would like the ability to ask Mr. Carruthers more about the meaning.

During redirect examination, Dr. Agharkar compared Mr. Carruthers with Mr. Panetti. Dr. Agharkar had evaluated Mr. Panetti during Mr. Panetti’s case. Dr. Agharkar testified that based on his writings, Mr. Carruthers does not believe “this to be real” because he keeps talking about going free, even as recently as the January 2026 hearing, and he continues to believe his execution is a way to force him to settle or to stop him from getting the money he is owed. Thus, Dr. Agharkar opined that, like Mr. Panetti, Mr. Carruthers’ understanding was compromised by this belief that was a delusion. Dr. Agharkar, who

evaluated Mr. Panetti, acknowledged that he was able to conduct an interview with Mr. Panetti regarding his competency-to-be-executed claim.

At the close of recross examination, the trial court questioned Dr. Agharkar about his testimony. When asked if Mr. Carruthers links his compensation to his wrongful conviction, Dr. Agharkar responded that Mr. Carruthers believes he is entitled to compensation because of his lawyers' ethical violations. When asked where he got that information, Dr. Agharkar said he talked to Mr. Carruthers about the compensation in 2011, but he added that the amount had obviously increased. The trial court then questioned Dr. Agharkar about his testimony concerning Mr. Carruthers' rational understanding for purposes of the competency standard. Dr. Agharkar opined that Mr. Carruthers believes he will be executed to prevent him from getting the money. Dr. Agharkar added, "I think it's two things. One is that the execution will not go forward because the whole point of it is to get him to settle for money, but that if he were to be executed, it would be to stop him from getting the money." Noting again that Dr. Agharkar has not interviewed Mr. Carruthers about this belief, the trial court pointed out that, despite the importance of this testimony, Dr. Agharkar did not mention in his report provided to the trial court that Mr. Carruthers believes he is going to be executed to prevent him from getting the money. The court took a recess to allow Dr. Agharkar the opportunity to review his report again to see if any declaration or any evidence supports this testimony. When court reconvened, Dr. Agharkar said he could not find it in any declaration or in either of his reports. Dr. Agharkar apologized if he misspoke or "took that too far."

Next, Dr. Agharkar agreed the court was required to focus on Mr. Carruthers' current competency. Dr. Agharkar testified, "I think [Mr. Carruthers] would understand why the State says they are going to execute him for the conviction of murder. I think he would say that. Again, I'm so limited because I can't talk to him. But yes, I believe he understands that from his writings." When the court reminded Dr. Agharkar he testified on direct that Mr. Carruthers does not have a rational understanding of the connection, Dr. Agharkar said "[Mr. Carruthers'] belief that it's a sham that it's about the money and that the execution is to get him to settle, you know, to bludgeon him into basically taking a deal because he believes he's going to go free and everyone seems to know that[s] his belief. So I believe that's where the execution comes in that this is not real." When the court asked where Dr. Agharkar got that information, Dr. Agharkar said "[f]rom letters he's sent to people" and from Richard Tennent's declarations. (718) At the court's request, Dr. Agharkar read the following excerpt from Mr. Tennent's declaration:

Mr. Carruthers sincerely believes things that are not true. He is delusional. Based on his false and delusional beliefs, Mr. Carruthers has created an illogical intellectual construct that explains why the State is pretending to plan his execution. Mr. Carruthers believes that his conviction and impending execution are all part of an elaborate bluff by the State. Mr. Carruthers knows that the State recognizes that he is innocent. He knows the

State is trying to pressure him into accepting an Alford plea for time served. Despite the obvious allure of being released from prison and avoiding execution, Mr. Carruthers states that he is unwilling to accept the State's imaginary offer because to do so would extinguish his claims to millions of dollars in damages that he believes he is entitled to because of various illegal and unconstitutional acts by the State.

When the court expressed concern about the timing of the statement [for purposes of assessing present competency], Dr. Agharkar said he was unsure when the statement was made, adding that Mr. Tennent did not put a date on it. Upon being reminded that Mr. Tennent's representation ended in 2023, the court asked, "But it's your belief that you can sit here and testify and tell me he still thinks that today?" Dr. Agharkar responded, "I'm limited because I can't interview him about it so I have to see if any of that – if he's continuing to write about the same types of things, from my opinion he would continue to believe them, but I can't know for sure since I can't interview him."

The trial court then turned to Dr. Agharkar's evaluation of Mr. Carruthers' competency to be executed contained on page 7 of his final report dated March 5, 2026, and Dr. Agharkar read the following portion into the record:

Mr. Carruthers suffers from many persistent debilitating delusions that compromise his perceptions of that which is going on around him and render his understanding of the relationship between his conviction and his execution irrational. Mr. Carruthers is paranoid about his lawyers, their role in what he perceives is the injustice of his case, and their role in setting his execution date. He illogically believes that execution date notwithstanding, he is about to be released from custody as soon as various improbable actors (the Board of Professional Responsibility, the Attorney General's Office, the Department of Justice, Governor Bill Lee, and "Kim Kardashian mama") agree to accomplish various improbable acts. These actions include making his hashtag go "viral," or posting Judge Addison's order authorizing the release of information about Alfredo Shaw, each of which Mr. Carruthers [believes] will result in his immediate release. Finally, his paranoia about the conspiracy against him has evolved into a belief his continued incarceration is to prevent him from receiving the 3.3 or 33.3 million rightly due to him for exposing various bad acts (the nonpayment of taxes by criminal informants nationwide, his claims against TDOC, and his entitlement because of the illegal wiretap on his attorney's phone). Each of these delusions interlocks or overlaps with the other combining synergistically to prevent a rational understanding of the State's rationale for his execution, *Panetti v. Quarterman*, 551 U.S. 930, 959 (2007).

As to his remarks about Mr. Carruthers' belief that his continued incarceration is to prevent him from receiving the \$3.3 or \$33 million due to him for exposing the bad acts, Dr. Agharkar indicated he learned this from Mr. Tennent's declaration but also from the letters Mr. Carruthers writes about the money. When asked how he was linking Mr. Carruthers' beliefs about the money to his execution, Dr. Agharkar said he thinks he is relying on Mr. Tennent's declarations. Dr. Agharkar reiterated Mr. Carruthers' understanding that the execution is a bluff in order to get him to settle or not get his money. Dr. Agharkar said that even though he does not know when Mr. Carruthers expressed the beliefs cited by Mr. Tennent, the diagnosis remains unchanged. Turning to Mr. Carruthers' paranoia about his attorneys, the court asked Dr. Agharkar "what does that have to do with him understanding the rationale for his execution?" Dr. Agharkar responded that he is not sure he made that link.

The trial court reminded Dr. Agharkar that in his February 11, 2026 report, he said there are three reasons to have a competency hearing, then in his March 5, 2026 report, Dr. Agharkar gave three reasons he believes Mr. Carruthers meets the *Panetti* standard: Mr. Carruthers' paranoia; his belief that his execution was a sham; and his belief in his immediate release. Focusing on the third reason—his immediate or imminent release—Dr. Agharkar cited a January 2026 telephone call during which Mr. Carruthers believed he was going to be released after the hearing on his fingerprint petition. (728-729) When the trial court surmised that Mr. Carruthers likely hoped he was going home after the hearing, the court again asked for the basis of Dr. Agharkar's opinion. Dr. Agharkar said, "I don't know what he believes today as he sits here now. I can't talk to him. He won't talk to me so that I could give you that information so the best I can do is January."

Finally, the court returned to the following quote from Dr. Agharkar's report: "Each of these delusions interlocks or overlaps with the others combining synergistically to prevent a rational understanding of the State's rationale for his execution." The court asked if this sentence means that each of the three things Dr. Agharkar cites as reasons he believes Mr. Carruthers meets the *Panetti* standard are not good enough alone, but somehow the combined effects of them are greater than their sum. Dr. Agharkar responded, "It means greater than their sum, yes." Then the court asked, "So one plus one plus one doesn't equal three, it equals three three three three three three?" Dr. Agharkar answered, "or it means five. I mean, it's more than the sum, yes."

#### Dr. Thomas Schacht

Dr. Thomas Schacht, a clinical and forensic psychologist, was appointed by the trial court to evaluate Mr. Carruthers and testified at the competency hearing on behalf of the State. Because he has not previously testified on the issue of competency to be executed, Dr. Schacht studied case law setting out the applicable competency standard. In discussing the "rational understanding" language from the standard, Dr. Schacht said it is perilous to rely solely on your own point of view as an observer without having access to the

understanding and point of view of the person articulating whatever is being said. Dr. Schacht was familiar with Mr. Carruthers' prior mental health evaluations and the resulting opinions that Mr. Carruthers displayed antisocial personality traits, as well as some paranoia and narcissistic behaviors. Dr. Schacht went to the prison on February 25, 2026 to interview Mr. Carruthers; however, Mr. Carruthers made a zipping gesture across his lips indicating he was going to remain silent. Dr. Schacht described Mr. Carruthers as "well-groomed and appear[ing] clean." The prison warden allowed Dr. Schacht to view the interior of Mr. Carruthers' cell, which Dr. Schacht described as "very well-organized and clean."

In assessing the present competency of Mr. Carruthers, Dr. Schacht reviewed Mr. Carruthers' pro se pleading filed in November 2025, and some phone calls. In his view, the pro se filing did not look to be the product of a mind that is cognitively impaired, adding that the pleading was "organized, reasonably well-written" and seemingly void of delusional material. During his testimony, Dr. Schacht listened to select telephone calls made by Mr. Carruthers, including a call to a podcaster about a hashtag and his efforts to get his story out on social media. Dr. Schacht indicated he does not opine on ultimate legal issues.

On cross-examination, Dr. Schacht was asked about an excerpt from his report in which he stated that, "To be considered for classification as a delusion, a false belief must be held and maintained with subjective sincerity. . . . False beliefs propagated insincerely can be observed in the context of goal-directed manipulations, con schemes, gaslighting, vindictive harassment, and malignant scripts and interpersonal agenda characteristic of severe personality disorders." Dr. Schacht explained that he was simply pointing out that in the absence of an interview, assessing the sincerity of Mr. Carruthers' beliefs is extremely difficult because you have no basis to assess the sincerity. Dr. Schacht agreed that multiple evaluators of Mr. Carruthers characterized Mr. Carruthers' behavior as characteristic of antisocial personality disorder. Dr. Schacht indicated he was not offering a diagnosis of Mr. Carruthers; however, he agreed that the tone of his report is weighted more heavily towards a personality disorder than a psychotic disorder.

### Richard Tennent (recalled)

Richard Tennent testified in rebuttal about Mr. Carruthers' conversations regarding an *Alford* plea. According to Mr. Tennent, Mr. Carruthers spoke of the *Alford* plea in 2019, 2020, and 2021. Mr. Tennent said Mr. Carruthers was angry that James Montgomery had taken an *Alford* plea after his conviction was overturned because he believed James was innocent, and therefore, his plea was a fraud. Mr. Tennent said they were not going to trick him into taking an *Alford* plea. When asked how an *Alford* plea related to Mr. Carruthers' execution, Mr. Tennent testified that, if he understood, Mr. Carruthers believes all of the conspirators know he is not guilty; however, they are desperately trying to avoid paying the \$3.3 million owed to him and avoid losing their law licenses by forcing him to take a

plea. Mr. Tennent said Mr. Carruthers believes their “other way out” is to have him found incompetent.

Mr. Tennent testified that Mr. Carruthers does not believe the State is serious about executing him. Instead, according to Mr. Tennent, Mr. Carruthers believes the State was going to release him (even without a plea) or coerce him to take the *Alford* plea because they all know he is innocent. Mr. Tennent again said that Mr. Carruthers thinks “this whole thing is a scam.”

## Houston Goddard

Attorney Houston Goddard represented Mr. Carruthers from January of 2022 until the fall of 2023, during his tenure with the Federal Public Defender’s Office for the Middle District of Tennessee. At that time, Mr. Carruthers did not have an execution date. Mr. Goddard did not supply a declaration prior to his testimony, and he was first contacted the night before his testimony. Mr. Goddard said he spoke with Mr. Carruthers twice per week, and he specifically recalled a conversation about an *Alford* plea. He recalled that Mr. Carruthers explained to him the State had offered him an *Alford plea*, and if accepted, he would be released that day; however, he would not be able to claim the \$3.3 million owed to him due to the wiretap. According to Mr. Goddard, Mr. Carruthers told him the execution was a ploy to get him to take the *Alford* plea. Mr. Goddard believed Mr. Carruthers did not believe the State was serious about executing him.

On cross-examination, Mr. Goddard acknowledged that Mr. Carruthers never disputed he was convicted of three counts of murder and was sentenced to death by a jury. Instead, Mr. Carruthers disputed the credibility of the witnesses, and he maintained his innocence. In response to questioning by the trial court, Mr. Goddard acknowledged that an execution date was not set during his representation, adding that he had not reviewed Mr. Carruthers’ expressions about the execution.

## Tony Carruthers

Current counsel, Amy Harwell, informed the trial court that she planned to call Mr. Carruthers as a witness. After discussing potential issues and options should Mr. Carruthers choose not to testify, the trial court brought Mr. Carruthers back into the courtroom. The trial court informed Mr. Carruthers that counsel wanted to question him as a witness. When Mr. Carruthers asked, “[a] witness for who?,” the court explained that this was his competency petition and that counsel wanted to call him as a witness. Mr. Carruthers was sworn and questioned.

The trial judge informed Mr. Carruthers it would permit counsel to call him as a witness, explaining that he has no Fifth Amendment right to remain silent at this juncture. Mr. Carruthers asked the court to appoint independent counsel for him, which the court

declined. The court further declined Mr. Carruthers' request to appoint the BPR or "at least notify them of this ethical problem." The court further explained that counsel called him to help his case rather than to be a witness against himself, adding "[y]ou have an opportunity to speak."

Ms. Harwell asked Mr. Carruthers if his first degree murder conviction is a sham. Mr. Carruthers responded, "I've never stated my case was a sham. I've been transported for six days in shackles and restraints with some of the highest security [by] TDOC and the Sheriff Department. I've never thought this was a sham." Ms. Harwell repeated the same question to which Mr. Carruthers responded, "I've tried to answer ma'am. I have mittimus that keeps me in shackles and restraints where I cannot leave any prison at any time because I've been convicted. I've never thought that people tote me around with restraints and guns was a sham. Never thought that ever." Ms. Harwell next asked Mr. Carruthers why the State is going to execute him. Mr. Carruthers described how false evidence provided by Mr. Shaw was used against him to obtain his conviction.

Ms. Harwell asked Mr. Carruthers what all of the information about Mr. Shaw and CrimeStoppers had to do with \$3.3 million. Mr. Carruthers explained that ABA Standard 3.3 and Tennessee Rule of Professional Conduct 3.3 prohibit attorneys from participating in fraud, and therefore, the various attorney participants who aided Alfredo Shaw are liable under their legal malpractice policies when a notice of claim is submitted "just like car insurance." When Ms. Harwell asked Mr. Carruthers if he had submitted "a lot of notice[s] of claims," Mr. Carruthers explained that he filed a notice before his post-conviction hearing asking that all the attorneys called to testify at the hearing be required to submit their legal malpractice carrier and the policy limits. Mr. Carruthers added, "[j]ust having a notice of claim is not a claim. You have to put a monetary value on [the claim]. And the number is the same one that gets them disbarred, 3.3." Ms. Harwell again asked if he had submitted "a lot of notice[s] of claims." Mr. Carruthers responded that no attorney had provided their legal malpractice information although ethically bound to do so, and none had submitted a claim to their insurance company. Ms. Harwell asked if the \$3.3 million is owed to Mr. Carruthers or to someone else. Mr. Carruthers responded that, "[i]t's owed to the person who's been injured."

Continuing with the issue of notice of claims, Mr. Carruthers used the example of his DNA claim. Mr. Carruthers said he filed a notice of claim when he realized DNA evidence had been withheld in violation of his constitutional rights, adding that because he had been injured money was owed to him. When asked the identity of the attorneys, Mr. Carruthers identified three or four attorneys by name, and he referred Ms. Harwell to his "fraud upon the court" packet, which details those involved in the Alfredo Shaw fraud. Mr. Carruthers further explained that his counsel's office had compiled the packet and submitted the packet to the Tennessee Attorney General and the Tennessee Supreme Court. Mr. Carruthers believed his federal habeas corpus counsel failed to submit the packet in the federal proceedings. Mr. Carruthers said that, among other things, the packet asserted

then-Assistant District Attorney John Campbell committed fraud upon the court throughout the post-conviction proceedings when he told Charlie Ray that Alfredo Shaw had never been an informant and failed to inform other named authorities.

When asked if he really wanted to “take the bar cards” of all of the attorneys involved in the fraud, Mr. Carruthers responded that the ethical investigations and disbarment could begin with Ms. Harwell and continue, like dominos, until each attorney involved in the fraud is disbarred. Ms. Harwell asked, “If all of the attorneys fall the way you want them to, will you be executed?” to which Mr. Carruthers responded, “I hope not.”

Ms. Harwell asked Mr. Carruthers to recall Mr. Tennent’s testimony that Mr. Carruthers believes the State is playing a “game of chicken” with him; that this whole thing is a “sham”; and that the State is trying to coerce him into taking an *Alford* plea. Mr. Carruthers said those are Mr. Tennent’s words, not his words. When asked to give “his words,” Mr. Carruthers said, “I’ve been trying to get exonerated.” When Ms. Harwell asked if the State was trying to execute him to keep him from getting his money, Mr. Carruthers told her to ask the State. Mr. Carruthers added that these conversations came from counsel’s mouth, not his mouth, adding that he had never heard counsel ask the State, “Are y’all wanting to execute Mr. Carruthers knowing that y’all committed fraud?”

On cross-examination, Mr. Carruthers agreed that he had been raising the “fraud” issue for over thirty years to anyone who would listen. Mr. Carruthers was then asked, “And you believe sitting here today that if you are executed, it will be because you were wrongfully convicted based upon this false information; is that fair?” to which Mr. Carruthers responded, “Yes.”

## **Trial Court’s Order**

On March 16, 2026, the trial court issued a 22-page order finding that Mr. Carruthers failed to overcome the presumption of competence by a preponderance of the evidence, and therefore, is competent to be executed. The trial court indicated that it had reviewed Mr. Carruthers’ petition, the State’s response, and the mental health reports of Drs. Agharkar, Schacht, and Engum.<sup>7</sup> The trial court summarized the hearing testimony and cited the legal standard for competency to be executed.

The trial court acknowledged the multiple beliefs held by Mr. Carruthers. In a series of findings, the trial court found that Mr. Carruthers “may believe” that: his calls are being monitored; he is entitled to compensation due to the illegal monitoring; certain paid informants are not paying income tax payments to the IRS; he is entitled to compensation

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<sup>7</sup> Before the hearing, the State attached the reports of both Dr. Thomas Schacht and Dr. Eric Engum to its “Notice of Experts’ Evaluations.” However, the State elected not to call Dr. Engum as a witness, and it did not introduce his report as an exhibit to the hearing.

for reporting those violations to the IRS; his conviction is a result of a “vast conspiracy” regarding Alfredo Shaw; his lawyers and judges are part of the conspiracy and are trying to conceal the fraud; his lawyers are trying to keep him from being compensated and are trying to keep from losing their law licenses by getting him to take an *Alford* plea or ensuring he is found incompetent; his lawyers and prosecutors have violated Rule 3.3; he would secure his release from prison if his lawyers would take certain legal and/or administrative actions; he would be released if his lawyers would file complaints with the BPR against his prior lawyers and assistant district attorneys; and that his toothpaste, food, and water are contaminated/poisoned. The trial court further found that Mr. Carruthers believes Alfredo Shaw committed perjury in order to secure the indictment against him, that law enforcement and prosecutors have always known, and that there has been a continuing conspiracy to cover it up; appears to be obsessed with the number 3.3; and believes that he is entitled to compensation as a result of the malfeasance of his lawyers, prosecutors, judges, and others.

The trial court also found that Mr. Carruthers may suffer from schizoaffective disorder, bipolar type, and/or an antisocial personality disorder, noting that *Madison v. Alabama* does not require the court to determine the diagnosis. As to the legal competency standard, the trial court explained that it “must decide whether the effect of any diagnosis and/or mental illness prevents Mr. Carruthers from understanding why, and the reasons that, the State intends to execute him.” The trial court found “that no such diagnosis and/or mental illness prevents Mr. Carruthers from understanding why, and the reasons that, the State intends to execute him.”

The trial court indicated that it “thoroughly reviewed” Dr. Agharkar’s March 2026 report and observed his testimony related to his conclusion that Mr. Carruthers is prevented from rationally understanding the connection between his crimes and the punishment. However, the court found that Dr. Agharkar’s conclusion “was not well reasoned, was speculative, and was based on inferences not fully supported by the record.”

The trial court found that Mr. Carruthers (as confirmed by prior counsel, the chief paralegal, and himself) has an awareness of and a rational understanding of his conviction and his impending execution. The court observed that Mr. Carruthers has acknowledged his pending execution date on his tablet and on the telephone. Further, since the execution date was set, Mr. Carruthers “has filed *pro se* motions seeking relief from his convictions and has attempted to promote a social media campaign via hashtags to seek assistance with his [innocence] claims.”

Finally, citing Mr. Carruthers’ hearing testimony, the court found that Mr. Carruthers has a rational understanding of the relationship between the conviction and the impending execution, as he understands why the State wants to execute him and the reasons for his execution. The trial court accredited Mr. Carruthers’ testimony that the State is going to execute him because of the use of the false testimony of Alfredo Shaw. In other

words, Mr. Carruthers knows that he is being executed for the murder convictions, but he claims it is because he was wrongfully convicted. The court also noted that when asked if he will be executed, Mr. Carruthers said he hoped not. He is trying to get exonerated.

The trial court noted Mr. Carruthers' testimony that he does not believe his conviction is a sham, has never thought his case was a sham, and that for 32 years he has been trying to challenge the "paid-for" testimony of Shaw with anyone who would listen. The trial court found that Mr. Carruthers believes that if he is executed, it will be because he was wrongfully convicted. From this testimony, the trial court found that "Mr. Carruthers *clearly* understands why the State intends to execute [him] and the reasons for the execution."

The trial court also made observations about Mr. Carruthers' demeanor in court, noting that he appeared to be alert and interested in the hearing; did not appear to be in a manic state; conducted himself appropriately all four days of the hearing; addressed the court respectfully; was clear and articulate; and wrote notes to his attorneys and communicated with counsel. The trial court said these observations contributed to the competency finding. The court also observed that prior to testifying, Mr. Carruthers requested independent special appointed counsel to advise him about testifying. The court characterized this request as the behavior of a competent individual.

Based on these reasons, the trial court found that Mr. Carruthers failed to carry his burden, by a preponderance of the evidence, to show that he is not competent to be executed, finding that he is, in fact, competent to be executed.<sup>8</sup>

### III. Analysis<sup>9</sup>

As noted, to overcome the presumption of competency, Mr. Carruthers was required to offer evidence at the *Van Tran* hearing related to his *present* incompetency. *Irick*, 320 S.W.3d at 292 (emphasis added). In this case, Mr. Carruthers relied primarily on the

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<sup>8</sup> In its order, the trial court also distinguished Mr. Carruthers' case from Mr. Panetti's case, analogizing Mr. Carruthers' case to the inmate found competent in *State ex rel. Middleton v. Terry Russell*, 435 S.W.3d 83, 85-86 (Mo. 2014), who understood he was going to be executed as punishment for his three murder convictions but simply believed he should not have been convicted; to the inmate in *State ex rel. Clayton v. Griffith*, 457 S.W.3d 735, 749-51 (Mo. 2015), who was "delusional" as to his innocence but found competent to be executed; and the inmate found competent in *Mays v. State*, 2019 WL 2361999, at \*17-18 (Tex. Crim. App. June 5, 2019), who understood he was going to be executed because he was convicted of capital murder even though he believed his conviction was totally unfair.

<sup>9</sup> In considering whether the evidence preponderates against the trial court's findings, we are not required to recite in detail the proof presented at the *Van Tran* competency hearing. See *Irick*, 320 S.W.3d at 295.

testimony of Dr. Agharkar, who diagnosed Mr. Carruthers in 2011 with schizoaffective disorder, bipolar type. Dr. Agharkar's February 2026 report, which updated his 2011 report, was attached to Mr. Carruthers' petition and served as the trial court's primary basis for granting a *Van Tran* hearing. Although the trial court appointed Dr. Agharkar as one of two experts to evaluate Mr. Carruthers to assess his present competency, Mr. Carruthers refused to meet with either expert. Thus, for his March 2026 report and his hearing testimony, Dr. Agharkar relied on his original diagnosis, on the declarations and testimony of prior counsel (and a paralegal), and on various records and audio recordings provided to him by counsel. Notably, former counsel Mr. Tennent, Mr. Goddard, and Ms. Henry last communicated with Mr. Carruthers in 2023, in the fall of 2023, and in November 2025, respectively. Thus, in large part, former counsel could only offer personal opinions of whether Mr. Carruthers continues to hold the same "false" beliefs counsel characterized as "delusional." Absent any recent contact with Mr. Carruthers, former counsel also arguably could not offer informed testimony on the ultimate question of whether Mr. Carruthers meets the *Panetti* standard. As a result, the most recent direct evidence of Mr. Carruthers' present beliefs about his impending execution came from Mr. Carruthers' own hearing testimony.

Notwithstanding the limited direct evidence of Mr. Carruthers' present beliefs, Mr. Carruthers' current counsel presented extensive lay testimony from former counsel regarding counsels' beliefs about Mr. Carruthers' beliefs. In former counsels' layperson views, Mr. Carruthers remains "delusional" and "paranoid" and continues to be fixated on certain beliefs counsel characterize as mostly false. Regardless of the weight, if any, the trial court assigned to counsels' beliefs about Mr. Carruthers' beliefs, their testimony is a necessary part of our review because, as noted, former counsels' beliefs expressed in their declarations and in their hearing testimony informed Dr. Agharkar's 2026 report, his hearing testimony, and his ultimate opinion regarding Mr. Carruthers' competency to be executed.

As we review the nature of Mr. Carruthers' "delusions" cited by former counsel and accepted by Dr. Agharkar, we note that, although they believe Mr. Carruthers' beliefs are largely false, both acknowledge Mr. Carruthers' beliefs contain a "kernel of truth." Summarizing the themes broadly, Mr. Carruthers believes he was wrongfully convicted of these crimes for which he received the death penalty due to the false testimony of Alfredo Shaw, who Mr. Carruthers insists is a paid government informant.<sup>10</sup> Mr. Carruthers believes various trial participants (e.g., the assistant district attorney and various attorneys)

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<sup>10</sup> It does not appear that Mr. Carruthers has ever addressed the other evidence implicating him in the murders, kidnappings, and robbery other than to say that the other witnesses' testimony is conflicting and somehow not credible because of Mr. Shaw's false testimony (which the State chose not to present at trial).

conspired to commit a “fraud upon the court” by using Mr. Shaw’s false testimony to secure his convictions. Mr. Carruthers believes he will be released and exonerated if he can get this information to the proper person or agency. Mr. Carruthers also believes that if he files ethical complaints against the attorneys involved in the fraud, the BPR will investigate and ultimately disbar the attorneys. To support this belief, Mr. Carruthers cites American Bar Association Rule 3.3 and the corresponding Tennessee Rule of Professional Conduct 3.3 as a basis for the recovery of monetary awards. Mr. Carruthers has not explained how disbarment would result in such awards, but he has repeatedly sought information about the legal malpractice coverage and policy limits of each attorney involved in the “fraud upon the court,” explaining that a party harmed by attorney misconduct may receive compensation through legal malpractice insurance. Mr. Carruthers is also seemingly aware that exonerated prisoners may receive compensation. As discussed more fully below, prior counsel believes Mr. Carruthers believes the State will eventually try to pressure him to take an *Alford* plea. Although the context of this belief is not entirely clear, the record indicates Mr. Carruthers has cited specific cases involving litigants whose convictions were overturned many years later and who were offered *Alford* pleas and credit for time served instead of a retrial.<sup>11</sup>

It appears to us that former counsels’ testimony regarding the “delusions” was elicited by Mr. Carruthers, in part, with the aim of illustrating counsels’ individual and collective belief that Mr. Carruthers continues to show symptoms consistent with, and that reaffirm, Dr. Agharkar’s 2011 diagnosis. The Court is fully aware, as summarized by the trial court, that in three decades of litigation, Dr. Agharkar was the first mental health professional to diagnose Mr. Carruthers with schizoaffective disorder, bipolar type. The proof in the record establishes that previous mental health professionals had diagnosed Mr. Carruthers with antisocial personality disorder. Therefore, some disagreement may remain among mental health professionals as to the diagnosis. For our purposes here, however, we are not required to resolve any remaining disputes about the diagnosis. Instead, in our review of Mr. Carruthers’ competency to be executed, we (as did the trial court) “must look beyond any given diagnosis to a downstream consequence.” *Madison*, 586 U.S. at 279.

In this case, the proof established that, although he professes his innocence, Mr. Carruthers has a rational understanding that he was convicted on three counts of first degree murder and that the jury sentenced him to death on each conviction. Mr. Carruthers also has a rational understanding that his execution is scheduled for May 21, 2026. Following our review, we agree that Mr. Carruthers also has a rational understanding of the reason the State is going to execute him.

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<sup>11</sup> We recognize this summary is not exhaustive. The Court is aware Mr. Carruthers has expressed beliefs about wiretaps, recorded telephone calls, constant surveillance, poisoned toothpaste/food, the IRS and informant payments, and the Judge Joe Brown/Governor Lee speculation, among others. As discussed herein, we give due consideration to the entirety of the testimony regarding “delusions” in our assessment of the “downstream consequences.”

Mr. Carruthers declined to be interviewed by either court-appointed expert. Dr. Agharkar opined in his report and during his direct testimony that Mr. Carruthers is not competent to be executed under *Panetti* because certain persistent delusions and paranoia regarding his attorneys prevent him from having a rational understanding of the connection between his conviction and his impending execution. However, upon focused questioning by the trial court, Dr. Agharkar admitted he lacked evidence to support his conclusion that Mr. Carruthers believes he is going to be executed to prevent him from getting his money—a basis Dr. Agharkar failed to include in his March 2026 report. As to other conclusions cited in his report, Dr. Agharkar said he relied on the declaration of Richard Tennent that, as explained, summarized Mr. Tennent’s beliefs about Mr. Carruthers’ beliefs. During the trial court’s questioning, Dr. Agharkar admitted he did not know when the beliefs were expressed, but he was aware that Mr. Tennent’s representation ended in 2023. The weight, if any, given to Dr. Agharkar’s report and hearing testimony was solely within the purview of the trial court.

On the other hand, Mr. Carruthers testified that the *Van Tran* hearing witnesses gave “their words,” not “his words.” Mr. Carruthers does not believe his conviction was a “sham” as suggested by prior counsel and repeated by Dr. Agharkar. He continues to believe his conviction was secured by the false testimony of Alfredo Shaw. Mr. Carruthers understands the State plans to execute him for his convictions. After his execution date was set, Mr. Carruthers filed pro se pleadings seeking relief from his conviction, and he has asked others to promote certain hashtags on social media to bring public awareness to his plight. Mr. Carruthers gave no real indication he believes he is going to be released from prison unless he is exonerated. The proof established that Mr. Carruthers has a rational understanding of the reason the State plans to execute him. We conclude that the evidence in the record fully supports and does not preponderate against the trial court’s finding that Mr. Carruthers is presently competent to be executed.

In this appeal, Mr. Carruthers argues: (1) the trial court failed to make necessary factual findings and the factual findings made by the trial court are unsupported by the record; (2) the trial court misapplied the competency standard enunciated in *Panetti v. Quarterman*; and (3) the trial court order deprived Mr. Carruthers of due process of law. These arguments are without merit.

First, Mr. Carruthers argues the trial court failed to make necessary factual findings. He focuses on the trial court’s use of the phrase “may believe” when referring to Mr. Carruthers’ various beliefs and its use of the phrase “may suffer from” when referring to the schizoaffective disorder and/or personality disorder. However, it is clear the trial court recognized that, under *Panetti* and *Madison*, the court was not required to resolve remaining disputes about Mr. Carruthers’ diagnosis or delusions. We view the “may believe” or “may suffer” language as equivalent to “assuming” for purposes of the analysis that Mr. Carruthers believes these ideas or suffers from a particular disorder. The trial court then went on to properly make its findings in each instance notwithstanding the preface.

Within this issue, Mr. Carruthers argues that the factual findings of the trial court are unsupported by the record because the trial court mischaracterized the testimony of Ms. Deaver, Mr. Carruthers, and Dr. Agharkar regarding Mr. Carruthers' rational understanding of his impending execution. Again, this Court conducted its own review of the evidence (including the testimony from these witnesses) and concluded that the evidence does not preponderate against the trial court's findings. None of Mr. Carruthers' assertions change this result.

Second, Mr. Carruthers contends the trial court misapplied the *Panetti* competency standard. We disagree. The trial court cited the appropriate competency standard and repeatedly mentioned the *Panetti* prong at issue—whether Mr. Carruthers has a rational understanding of the connection or the reason the State intends to execute him. Further, the record indicates the trial court questioned witnesses, particularly Dr. Agharkar, about this prong, asking him specific questions about the delusions cited by Dr. Agharkar and how certain delusions impact this prong. Contrary to Mr. Carruthers' assertion, the trial court did not treat Mr. Carruthers' "delusional belief system as irrelevant," and it did not misapply the *Panetti* standard. Instead, in its finding that Mr. Carruthers is competent to be executed, the trial court made credibility determinations and assigned its desired weight and value to the evidence presented, and then it correctly applied the *Panetti* standard to the evidence.

Third, and finally, Mr. Carruthers maintains the trial court's order deprived him of due process of law because: (1) the trial court's "ambiguous and equivocal findings of fact" failed to provide sufficient notice for him to prepare a responsive defense; and (2) the trial court purportedly reviewed Dr. Eric Engum's report, which was not introduced into the record. To his first point, we have already concluded that the trial court did not make ambiguous or equivocal findings. Second, although the trial court seemed to inadvertently list Dr. Engum's report in the materials reviewed, the order gives no indication the trial court relied on the report in its determination that Mr. Carruthers is competent to be executed. The trial court's detailed discussion of the evidence on which it relied to support its finding that Mr. Carruthers is competent is sufficient and firmly supported by the record. No further review is required.

#### **IV. Application for a Stay**

On April 6, 2026, Mr. Carruthers filed an application for a stay of his execution scheduled for May 21, 2026. Tennessee Supreme Court Rule 12(4)(E) provides that this "Court will not grant a stay or delay of an execution date pending resolution of collateral litigation in state court unless the prisoner can prove a likelihood of success on the merits in that litigation." Tenn. Sup. Ct. R. 12(4)(E). Mr. Carruthers asserts that he is entitled to a stay if he can show "more than a mere possibility of success," *State v. Irick*, 556 S.W.3d 686, 689 (Tenn. 2018) (quoting *Six Clinics Holding Corp. II v. Cafcomp Sys.*, 119 F.3d 393, 402 (6th Cir. 1997)), in the litigation and "the balance of equities tips in his favor,"

*Ramirez v. Collier*, 595 U.S. 411, 421 (2022) (quoting *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)). In his motion seeking a stay, he asserts that the record in this case has shown a likelihood of success on the merits in the present appeal of the Petition before us. Because this Court has found Mr. Carruthers unsuccessful in this appeal, he cannot demonstrate a likelihood of success. Accordingly, his application for a stay of his execution is respectfully denied.

## V. Conclusion

For the reasons explained above, upon our de novo review of the trial court's legal conclusions, we hold that the trial court applied the correct legal standards. After carefully reviewing the record on appeal, we conclude that the evidence fully supports and does not preponderate against the trial court's factual finding that Mr. Carruthers is presently competent to be executed. Accordingly, the trial court's judgment finding Mr. Carruthers competent to be executed is affirmed. Further, the application for a stay is denied.

This order is not subject to rehearing under Tennessee Rule of Appellate Procedure 39, and the Clerk is directed to certify this order as final and to immediately issue the mandate. As provided by this Court's order of September 30, 2025, the Warden of the Riverbend Maximum Security Institution, or his designee, shall carry out the execution of Tony Carruthers in accordance with Tennessee law on the **21st day of May, 2026**, unless a stay is entered by this Court or by a federal court. Counsel for Tony Carruthers shall provide to the Office of the Appellate Court Clerk in Nashville a copy of any order of stay. The Clerk shall expeditiously furnish a copy of any stay order to the Warden of the Riverbend Maximum Security Institution.

This order is designated for publication pursuant to Tennessee Supreme Court Rule 4.

PER CURIAM

Filed 3-16-26  
Heidi Kuhn, Clerk  
BY [Signature] D.C.

IN THE CRIMINAL COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

STATE OF TENNESSEE )  
 ) Case Nos. 94-02797, 94-02798, 94-02799,  
v. ) 95-11128, 95-11129  
 ) Death Penalty Case  
TONY VON CARRUTHERS ) (Competency to be executed)

**ORDER REGARDING COMPETENCY TO BE EXECUTED**

Tony Von Carruthers is before the Court pursuant to the Tennessee Supreme Court’s Order entered on September 30, 2025, remanding this case to the Criminal Court for Shelby County for a determination of Mr. Carruthers’ present competency. The Court has reviewed Mr. Carruthers’ petition filed on February 13, 2026, the State’s response filed on February 17, 2026, and the mental health reports of Dr. Agharkar, Dr. Schacht, and Dr. Engum. The Court also conducted an evidentiary hearing in this matter from March 9-12, 2026, and heard from three of Mr. Carruthers’ prior attorneys, a paralegal employed by the Federal Public Defender’s Office for the Middle District of Tennessee, an attorney with the Federal Community Defender for the Eastern District of Michigan, Dr. Bhushan Agharkar, Dr. Thomas Schacht, and Tony Carruthers himself. The Court also reviewed forty-six (46) exhibits that were entered into evidence during the hearing.

Based upon the Court’s review of the pleadings, the reports, the testimony, the exhibits, and the applicable law, the Court finds that Mr. Carruthers has not overcome the presumption of competency by a preponderance of evidence to show that he is not competent to be executed. As such, the Court finds Mr. Carruthers competent to be executed.

**Procedural History**

Mr. Carruthers was convicted for the 1994 first-degree murders of Marcellos Anderson, Delois Anderson, and Frederick Tucker, and given death sentences for each conviction. The

Tennessee Supreme Court affirmed the judgments, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000), cert. denied, 533 U.S. 953 (2001).

Mr. Carruthers filed a petition for post-conviction relief in the trial court in December, 2001. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and the Tennessee Supreme Court denied a discretionary appeal. *Carruthers v. State*, No. W2006-00376-CCA-R3-PD, 2007 WL 4355481 (Tenn. Crim. App., Dec. 12, 2007), perm. app. denied (Tenn. May 27, 2008).

Mr. Carruthers filed a petition for a writ of habeas corpus in the United States District Court for the Western District of Tennessee. On March 31, 2014, the district court denied relief and dismissed the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Carruthers v. Mays*, 889 F.3d 273 (6th Cir. 2018) (reh'g denied, June 26, 2018). The United States Supreme Court denied a petition for writ of certiorari on February 19, 2019. *Carruthers v. Mays*, 139 S.Ct. 1173 (2019). Mr. Carruthers did not file a petition for rehearing from the denial of certiorari.

Mr. Carruthers has completed the standard three-tier appeals process. There are no current judicial or executive orders staying his execution or granting a reprieve.

On September 20, 2019, the State of Tennessee filed a *Motion To Set Execution Date* pursuant to Tenn. Sup. Ct. R. 12.4(A). On December 30, 2019, Mr. Carruthers filed a *Response in Opposition to Motion to Set Execution Date; Notice that Defendant is Incompetent to be Executed and Request for a Hearing; and Request for Certificate of Commutation*. Mr. Carruthers raised the issue of his present competency to be executed and requested a competency hearing under *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999).

On September 30, 2025, the Tennessee Supreme Court set an execution date in this case for May 21, 2026. In addition, in the same Order, the Tennessee Supreme Court remanded this case to the Criminal Court for Shelby County for a determination of Mr. Carruthers' present competency, including the initial determination of whether he has met the required threshold showing. The Tennessee Supreme Court ordered Mr. Carruthers to file his petition alleging incompetency to be executed in the trial court no sooner than February 11, 2026, and no later than February 13, 2026.

Mr. Carruthers' filed his petition on February 13, 2026. The State filed its response on February 17, 2026. On February 23, 2026, the Court issued a preliminary order finding that Mr. Carruthers met the required threshold showing that his competency to be executed is genuinely in issue. The Court also appointed Dr. Bhushan Agharkar and Dr. Thomas Schacht to conduct evaluations of Mr. Carruthers to determine whether he is competent to be executed. The Court further ordered that an evidentiary hearing be conducted beginning on March 9, 2026.

## **The Evidentiary Hearing**

### **History of Evaluations**

The parties presented reports and other evidence regarding some of Mr. Carruthers' history of evaluations. The proof showed that in 1983, at age 14, Mr. Carruthers underwent a psychiatric evaluation by Nora V. Reyes, M.D. Her diagnostic impressions included socialized aggressive behavior, rule out major depression without psychosis, and rule out passive aggressive personality. (Exhibit 35).

In 1994, Mr. Carruthers was evaluated by John Hutson, Ph.D., who recommended that "the court consider Tony Carruthers competent to proceed with the disposition of the charges." (Exhibit 38). In 1995, Mr. Carruthers underwent a mental health forensic evaluation performed by Lynn

Zager, Ph.D. According to Stephen A. Montgomery, M.D., Dr. Zager found no evidence of any hallucinations, delusions, formal thought disorder or mood disorder. He also noted her impression that Mr. Carruthers had antisocial personality disorder and that he was competent to stand trial. (Exhibit 42 at page 6). In 1996, Mr. Carruthers underwent a psychological evaluation conducted by Joe Mount, M.A., and Kenneth Anchor, Ph.D. In the evaluation, there was no primary mental disorder diagnosis, but there was a “rule-out” diagnosis as to antisocial personality disorder. (Exhibit 39).

In 2003, Dr. Auble conducted a forensic neuropsychological evaluation of Mr. Carruthers. She indicated that based upon her testing, there was no evidence of psychosis. (Exhibit 40). In 2004, William Kenner, M.D. diagnosed Mr. Carruthers with bipolar disorder, type II, hypomanic and with personality disorder not otherwise specified. (Exhibit 41). In 2005, Stephen A. Montgomery, M.D. found a principal diagnosis for Mr. Carruthers of antisocial personality disorder. He was also diagnosed with paranoid personality disorder and narcissistic personality disorder. (Exhibit 42). In 2011, Bhushan S. Agharkar, M.D. diagnosed Mr. Carruthers with schizoaffective disorder, bipolar type. (Exhibit 30).

Since that time, Mr. Carruthers has refused to meet with mental health professionals who have attempted to complete psychological evaluations of him.

### Attorney/Paralegal Interaction With Mr. Carruthers

The Court heard from Attorney Richard Tennent, who represented Mr. Carruthers from 2018 to 2023, while employed with the Capital Habeas Unit of the Federal Public Defender’s Office for the Middle District of Tennessee. He began substantive representation in 2019, after the State of Tennessee filed a motion to set Mr. Carruthers’ execution date. Mr. Tennent prepared the response to the motion to set an execution date. During his representation, Mr. Tennent met in

person with Mr. Carruthers twice, but spoke with Mr. Carruthers on the telephone approximately seventy-five (75) times per year. His last contact with Mr. Carruthers was in 2023.

Mr. Tennent testified that Mr. Carruthers believes that people, including employees of the Department of Justice, Sandy Garrett with the Board of Professional Responsibility, former counsel for TDOC, and Supreme Court Justice Clarence Thomas, are illegally listening to his prison calls, including his legal calls. Mr. Carruthers refers to the monitored calls as “the wiretap.” Mr. Carruthers believes he is entitled to compensation at the rate of 3.3 million dollars per call as a result of the illegal monitoring. He also believes that cell phones are being brought into the prison and given to other inmates in order to monitor his phone calls and that a cell tower is located just outside the prison that is also used to monitor his calls.

Mr. Tennent further testified that Mr. Carruthers believes that certain paid informants are not paying required income tax payments to the IRS and that he is entitled to some compensation as a result of his reporting those violations to the IRS. In addition, Mr. Carruthers has expressed numerous concerns about homosexuality, including that he believes that some people involved in his case are homosexuals who have made advances toward him.

More significantly, Mr. Carruthers believes that his conviction is a result of a “vast conspiracy” against him. Mr. Carruthers believes that following the dismissal of his case at the General Sessions level for failure to prove probable case, law enforcement engaged Alfredo Shaw, who was at some point a paid informant, to fabricate a confession by Mr. Carruthers before the grand jury in order to obtain an indictment in this case. Mr. Carruthers believes that although prosecutors knew Mr. Shaw was a paid informant, they covered up this fact for years. Mr. Carruthers believes Alfredo Shaw committed perjury in order to secure the indictment and that law enforcement and prosecutors have always known this. There has been a continuing conspiracy

to cover that up. Mr. Carruthers refers to this cover up as a fraud upon the court. Mr. Carruthers discusses these beliefs about Alfredo Shaw constantly and frequently. He maintains his innocence and believes he was wrongfully convicted.

Mr. Tennent further testified that Mr. Carruthers believes that his lawyers, judges, and others are part of the conspiracy and that they are trying to conceal the fraud. He believes that his lawyers are attempting to keep him from being compensated and are trying to keep from losing their law licenses by getting him to take an Alford plea (although no *Alford* plea has been offered)<sup>1</sup> and/or getting him found incompetent. He believes his lawyers and prosecutors have violated Rule of Professional Conduct 3.3, the duty of candor to the court, by concealing the fraud related to Alfredo Shaw (using Alfredo Shaw to commit perjury and failing to timely disclose that Mr. Shaw was a paid informant). He has become obsessed with the number 3.3 (attributed by Mr. Carruthers to RPC 3.3) and often states that he is entitled to 3.3 million dollars in damages for wiretap and other violations. He believes that he is entitled to compensation as a result of his lawyers', prosecutors', judges' and others' malfeasance and that his prior and present lawyers should lose their law licenses.

According to Mr. Tennent, Mr. Carruthers also believes that if his lawyers would take certain legal and/or administrative actions, he would secure his release from prison. Mr. Carruthers keeps insisting that his lawyers file complaints with the BOPR against his prior lawyers and ADAs based upon the fraud, but that his lawyers will not do this. He believes that if they would, he would be released. He has taken steps to prepare himself for release, including preparing to get his driver's license, getting his court costs paid, pricing vehicles, and locating a place to live. He believes the lawyers are refusing to file the requested complaints with the BOPR and are trying to get him

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<sup>1</sup> Mr. Carruthers also believed there was an offer of a 10-year sentence if he would dismiss his petition for post-conviction relief. There is no evidence that such an offer was ever made.

found incompetent in order to cover up the malfeasance and keep him from being compensated. Mr. Carruthers believes that one of his prior lawyers, Larry Copeland, was murdered by a law clerk of a prosecutor who became a judge in order to conceal the fraud.

Also according to Mr. Tennent, Mr. Carruthers believes that the prosecutors have set an execution date in order to leverage him into an *Alford* plea, thereby keeping him from being able to collect any compensation based upon his wrongful conviction. Mr. Tennent testified that Mr. Carruthers also believes the State of Tennessee is not going to actually execute him because they know about the conspiracy, and they know he is innocent.

Mr. Carruthers does not believe that he is mentally ill, and he gets upset when people talk about it.

Mr. Tennent admitted that although Mr. Carruthers believes he is innocent, Mr. Carruthers does not dispute that he has been convicted of the crimes. He also believes that Mr. Carruthers knows he has been given a sentence of death by a jury of his peers.

The Court also heard from Attorney Kelley Henry, who is the Chief of the Capital Habeas Unit of the Federal Public Defender's Office for the Middle District of Tennessee. She represented Mr. Carruthers from 2019 until November, 2025. She met with Mr. Carruthers one time, but spoke with him every other month during her representation. Her experience with Mr. Carruthers was very similar to Mr. Tennent's experience. Mr. Carruthers spoke with her about the "wiretaps", the fraud on the court, his obsession with the Alfredo Shaw issue, tax issues with the paid informants, and his entitlement to compensation as a result of numerous violations of his rights. He also asked her to file complaints with the BOPR, believing that he would be released if the complaints were filed. Ms. Henry also discussed how Mr. Carruthers would sometimes call her office over a hundred times per day.

She believes Mr. Carruthers to be mentally ill due to his poor quality of and pressured speech, his being manic and paranoid, his fixed false beliefs, his obsessions with fraud and Alfredo Shaw, his delusions including his potential release if she would notify the BOPR and Deputy Attorney General John Bledsoe about the fraud on the court, his poverty of thought, and his obsession with RPC 3.3.

Mr. Carruthers never stated to her the reason for his death sentence and never acknowledged to her having a death sentence.

Attorney Houston Goddard was employed with the Capital Habeas Unit of the Federal Public Defender's Office for the Middle District of Tennessee from January, 2022, through the Fall of 2023. Mr. Goddard spoke with Mr. Carruthers twice per week during that time. He has had no contact with Mr. Carruthers since he left the office in 2023. Mr. Carruthers repeatedly spoke about an *Alford* plea and about compensation for the wiretap violations. Mr. Carruthers thought that the threat of execution was a ploy to get him to take the *Alford* plea and not receive the compensation. Mr. Carruthers did not have an execution date while Mr. Goddard represented him.

According to Mr. Goddard, Mr. Carruthers never disputed that he had been convicted of the murders and never disputed that he was sentenced to death. He maintained his innocence and disputed the credibility of the witnesses.

Attorney Casey Swanson is employed with the Federal Community Defender for the Eastern District of Michigan. She did not represent Mr. Carruthers. However, she spoke with him some, and he left voicemails on her telephone. Mr. Carruthers spoke with her about the "wiretaps", recorded calls, being entitled to 3.3 millions dollars each time a call was recorded, tax evasion, Alfredo Shaw, and hashtags. She generally was not sure what he was talking about. She also did not know how he got her number or was able to call her.

Ms. Satyra Deaver, chief paralegal for the Capital Habeas Unit of the Federal Public Defender's Office for the Middle District of Tennessee, has worked on Mr. Carruthers' case since 2008. She has had more contact with Mr. Carruthers (through calls and writings) than any other client with whom she has worked.

Ms. Deaver described what she believed to be paranoias of Mr. Carruthers. She testified that he thought his toothpaste, food, and water were contaminated/poisoned. (In fact, he actually sent two meat patties to her office so that they could be tested.) He was paranoid about some of the TDOC employees being homosexual. He believed that his cell was being monitored 24/7 by someone at the TDOC main office because they want to be aware of when he receives his compensation. He also talked to her about the inmate cell phones and the cell tower located just outside of the prison. He discussed with her the "wiretap", the conspiracy to keep him behind the doors, his entitlement to compensation, the numbers 3.3 and 33.3, and his potential release. He thought the goal of the "conspiracy" was to keep him behind the doors and keep him from getting his millions. He often complained about his lawyers and wanted copies of their professional liability insurance policies. He was hyperfocused on the Alfredo Shaw issues.

Mr. Carruthers also discussed various hashtags with her and the need to get them "pushed." The hashtags were #theypaidAlfredoShawtolie, #theypaidAlfredoShawtolieonTonyCarruthers, and #FreeTony"Von"CarruthersToday. As recently as March 1, 2026, and March 2, 2026, Mr. Carruthers addressed the need to push the hashtags. On March 1, 2026, Mr. Carruthers wrote on his prison tablet that he is "a death row inmate falsely convicted by the false testimony of a federal & state C.I." He wrote, "I have an execution date coming up on 5-21-2026!! I'm asking your team to assist my ongoing efforts to go viral with these ##HASHTAGS??" On March 2, 2026, he wrote, "I really, really need your assistance on social media!! I have a execution date coming up!!" He

also asked for help pushing the hashtags. (Exhibit 19) Mr. Carruthers also had a recent telephone call with someone wherein he requested help with pushing out the hashtags. (Exhibit 44)

Ms. Deaver testified that Mr. Carruthers has never disputed that the jury convicted him and sentenced him to death, and he is aware that he was convicted and sentenced to death. Mr. Carruthers simply disputes the sufficiency of the evidence. Mr. Carruthers has never said anything to Ms. Deaver about the connection between the conviction and the death sentence.

### Expert Proof

Dr. Bhushan Agharkar, an expert in the field of forensic psychiatry, evaluated Mr. Carruthers in 2011, wherein he met with Mr. Carruthers for three and one-half hours. He has had two subsequent unsuccessful attempts to meet with Mr. Carruthers since then. In formulating his more recent opinions, he relied upon his 2011 evaluation and subsequent attorney declarations, letters/writings, voicemails, TDOC records, and courtroom observations. He has not interviewed Mr. Carruthers since 2011 and did not interview any TDOC employees. He diagnosed Mr. Carruthers with schizoaffective disorder, bipolar type. He also believes Mr. Carruthers has brain damage. He believes Mr. Carruthers is delusional and paranoid.

Dr. Agharkar admitted, however, that his 2026 evaluation is limited due to Mr. Carruthers not meeting with him. It is noteworthy that Dr. Agharkar is the only doctor to ever diagnose Mr. Carruthers with psychosis.

Dr. Agharkar believes that Mr. Carruthers is aware he has been convicted and is aware that he has been sentenced to death and that there is an execution date. He also testified on direct examination that Mr. Carruthers believes he will be executed to keep him from being compensated. At the conclusion of his testimony, the Court questioned Dr. Agharkar and inquired of him why that opinion is not in the report he submitted. The Court took a ten-minute recess to allow Dr.

Agharkar to find whether that opinion was mentioned in any report or declaration. After the recess, Dr. Agharkar testified that that opinion is not in any report or declaration. That opinion is not supported by the record. Dr. Agharkar apologized if he misspoke or took that too far.

During the hearing, Dr. Ahgarkar listened to a recorded call from February 24, 2026, wherein Mr. Carruthers indicates that his situation is an emergency, that a court order from the Justice Review Unit (JRU) needs to be sent to every phone in Memphis, and that this is how you stop an execution.

Dr. Thomas Schacht was also unable to interview Mr. Carruthers. He reviewed prior evaluation reports, TDOC records, Mr. Carruthers' pleadings and writings, and jail calls. He was able to observe Mr. Carruthers' cell on February 25, 2026. He noted that the cell had a lot of items in it, but that it was cleaned. He also noted that Mr. Carruthers himself was well-groomed and clean.

Dr. Schacht did not dispute Dr. Agharkar's diagnosis, but added there is no indication that such diagnosis is exclusive. The diagnosis could also be a personality disorder. In fact, Dr. Schacht believes Mr. Carruthers most likely suffers from a personality disorder, given the number of prior opinions that Mr. Carruthers has a personality disorder compared to only Dr. Agharkar's opinion that Mr. Carruthers suffers from a psychotic disorder.

Dr. Schacht said it is possible to have a parallel understanding of the purpose of the execution. Mr. Carruthers can believe that the purpose of the execution is to coerce him into taking an *Alford* plea to extinguish his ability to be compensated and also believe he is being executed as punishment for the murders.

## Tony Carruthers

During the hearing, Tony Carruthers appeared to be alert and interested in the hearing. He did not appear to be in a manic state. He conducted himself appropriately all four days of the hearing. He addressed the court respectfully. He was clear and articulate. He wrote notes to his attorneys and communicated with counsel. (See Exhibits 6, 7, and 33.) He made reasonable complaints about his housing situation.

Mr. Carruthers' counsel called him as a witness. Prior to testifying, Mr. Carruthers requested independent special appointed counsel to advise him about testifying. He felt that the attorneys were calling him to testify against himself.

Mr. Carruthers testified that he did not believe his conviction was a sham and that he never thought his case was a sham. He repeatedly made comments about having been in shackles and restraints during movement for years and that a mittimus is keeping him incarcerated, thereby giving him an understanding this his situation is real. When asked why the State was going to execute him, he said it was because of the use of the false testimony of Alfredo Shaw by law enforcement and prosecutors. In other words, he knew that he was being executed for the convictions, but he claimed he was wrongfully convicted.

When asked if he will be executed, he said he hoped not. He is trying to get exonerated. When asked if the State was trying to execute him in order to cover up the fraud or to keep him from getting his money, he said to ask the State.

He said that for 32 years, he has been trying to challenge the "paid-for" testimony with anyone who would listen. He believes that if he is executed, it will be because he was wrongfully convicted.

After the State of Tennessee filed a motion to set an execution date, Mr. Carruthers filed a *pro se* motion for fingerprint analysis in his case. (Exhibit 12) Since the Tennessee Supreme Court entered its order on September 30, 2025, setting an execution date for Mr. Carruthers for May 21, 2026, Mr. Carruthers has filed a *pro se* motion pursuant to *Holland v. Florida* dealing with the AEDPA (the Antiterrorism and Effective Death Penalty Act of 1996) and the federal statute of limitations (Exhibit 11) and a *pro se* motion to reopen post-conviction petition (Exhibit 13).

### The Standard

In Tennessee, the test for competence to be executed requires an inmate to have “a rational understanding of his conviction, his impending execution, and the relationship between the two.” *State v. Irick*, 320 S.W.3d 284 (Tenn. 2010). In other words, in this case, does Mr. Carruthers have an awareness and a rational understanding that he has been convicted of murder? Does Mr. Carruthers have an awareness and a rational understanding that the State intends to execute him? And finally, does Mr. Carruthers have a rational understanding as to why, and the reason that, the State wants to execute him?

The *Irick* Court also stated, “At a competency hearing, the prisoner is presumed competent and, to prevail, the prisoner must overcome this presumption by a preponderance of the evidence. *Id.* at 271. In order to overcome this presumption, the prisoner must offer evidence relating to the prisoner's present incompetency. *See id.* at 269.” (referencing *Van Tran v. State*, 6 S.W.3d 257, 266 (Tenn. 1999) pages 269 and 271.)

“The Eighth Amendment prohibits the State from inflicting the penalty of death upon a prisoner who is insane.” *Ford v. Wainwright*, 477 U.S. 399, 410 (1986). However, the Eighth Amendment does not *per se* bar the death penalty for those who suffer from mental illness. In a concurring opinion in *Ford*, Justice Powell declared that “the Eighth Amendment forbids the

execution only of those who are unaware of the punishment they are about to suffer *and why they are to suffer it.*” *Id.* at 422. (Emphasis added).

Likewise, in 1999, the Tennessee Supreme Court adopted the standard enunciated by Justice Powell and held that “under Tennessee law a prisoner is not competent to be executed if the prisoner lacks the mental capacity to understand the fact of the impending execution *and the reason for it.*” *Van Tran v. State*, 6 S.W.3d 257, 266 (Tenn. 1999). (Emphasis added).

In *Panetti v. Quarterman*, 551 U.S. 930, 954 (2007), the U.S. Supreme Court addressed the question of “[w]hether the Eighth Amendment permits the execution of a prisoner whose mental illness deprives him of ‘the mental capacity to understand that [he] is being executed *as a punishment for a crime.*’” (Emphasis added). *Panetti* goes on to say, “Gross delusions stemming from a severe mental disorder may put an awareness of a link between a crime and its punishment in a context so far removed from reality that the punishment can serve no proper purpose.” *Id.* at 960. However, the delusions must be such that “they so impair the prisoner’s concept of reality that he cannot reach a rational understanding of the reason for the execution.” *Id.* at 958. That said, “[a] prisoner’s awareness of the State’s *rationale* for an execution is not the same as a rational understanding of it.” *Id.* at 959. The bar for competence to be executed is not a high one. “The mental state requisite for competence to suffer capital punishment neither presumes nor requires a person who would be considered ‘normal’ or even ‘rational,’ in a layperson’s understanding of those terms.” *Id.* at 959.

In 2019, the U.S. Supreme Court brought further clarity to the standard. Quoting *Panetti*, the U.S. Supreme Court in *Madison v. Alabama*, 586 U.S. 265 (2019), stated the Eighth Amendment forbids “executing a prisoner whose mental illness makes him unable to ‘reach a rational understanding of the *reason* for [his] execution.’” *Id.* at 274. (Emphasis added.) “In

evaluating a competency to be executed, a judge must therefore look beyond any given diagnosis to a downstream consequence.” *Id.* at 279. The “standard focuses on whether a mental disorder has had a particular *effect*: an inability to rationally understand why a State is seeking execution.” *Id.* at 278. “Conversely, that standard has no interest in establishing any precise cause.” *Id.*

Regarding delusional thinking, the Court stated, “But delusions come in many shapes and sizes, and not all will interfere with the understanding that the Eighth Amendment requires.” *Id.* at 279.

This standard of incompetence is satisfied if the prisoner’s mental state deprives him “of the capacity to comprehend *why* the State is exacting death as punishment.” *Id.* at 277. (Emphasis added.) “But the sole inquiry for the court remains whether the prisoner can rationally understand the *reasons* for his death sentence.” *Id.* (Emphasis added.)

### **Findings**

The Court finds that Mr. Carruthers has an awareness and a rational understanding of his convictions. The Court also finds that Mr. Carruthers has an awareness and a rational understanding of impending execution. Finally, the Court finds that Mr. Carruthers has a rational understanding of the relationship between the conviction and the impending execution as he understands why the State wants to execute him and the reasons for his execution.

In his petition, Mr. Carruthers claims his “ability to rationally understand the purpose for his execution is vitiated by the delusions that are part and parcel of his serious mental illness.” (Petition, pages 1-2). The Court disagrees.

The Court finds that Mr. Carruthers may believe that people, including employees of the Department of Justice, Sandy Garrett with the Board of Professional Responsibility, former counsel for TDOC, and Supreme Court Justice Clarence Thomas, are illegally listening to his

prison calls, including his legal calls and that Mr. Carruthers may believe he is entitled to compensation at the rate of 3.3 million dollars per call as a result of the illegal monitoring. He may also believe that cell phones are being brought into the prison and given to other inmates in order to monitor his phone calls and that a cell tower is located just outside the prison that is also used to monitor his calls.

Mr. Carruthers may also believe that certain paid informants are not paying required income tax payments to the IRS and that he is entitled to some compensation as a result of his reporting those violations to the IRS. Mr. Carruthers may believe that some people involved in his case are homosexuals who have made advances toward him.

The Court also finds that Mr. Carruthers may believe that his conviction is a result of a “vast conspiracy” against him and that following the dismissal of his case at the General Sessions level for failure to prove probable case, law enforcement engaged Alfredo Shaw, who was at some point a paid informant, to fabricate a confession by Mr. Carruthers before the grand jury in order to obtain an indictment in this case. Mr. Carruthers appears to believe that although prosecutors knew Mr. Shaw was a paid informant, they covered up this fact for years. Mr. Carruthers believes Alfredo Shaw committed perjury in order to secure the indictment, that law enforcement and prosecutors have always known this, and that there has been a continuing conspiracy to cover that up. It is obvious to the Court that Mr. Carruthers maintains his innocence and believes he was wrongfully convicted.

Mr. Carruthers may believe that his lawyers, judges, and others are part of the conspiracy and that they are trying to conceal the fraud. He may also believe that his lawyers are attempting to keep him from being compensated and are trying to keep from losing their law licenses by getting him to take an Alford plea (although no *Alford* plea has been offered) and/or getting him

found incompetent. He may also believe his lawyers and prosecutors have violated Rule of Professional Conduct 3.3, the duty of candor to the court, by concealing the fraud related to Alfredo Shaw (using Alfredo Shaw to commit perjury and failing to timely disclose that Mr. Shaw was a paid informant). He does appear to be “obsessed” with the number 3.3 (attributed by Mr. Carruthers to RPC 3.3) and often states that he is entitled to 3.3 million dollars in damages for wiretap and other violations. He believes that he is entitled to compensation as a result of his lawyers’, prosecutors’, judges’ and others’ malfeasance and that his prior and present lawyers should lose their law licenses.

Mr. Carruthers may also believe that if his lawyers would take certain legal and/or administrative actions, he would secure his release from prison. Mr. Carruthers keeps insisting that his lawyers file complaints with the BOPR against his prior lawyers and ADAs based upon the fraud, but that his lawyers will not do this. He may believe that if they would, he would be released.

Mr. Carruthers may also believe that his toothpaste, food, and water are contaminated/poisoned.

Mr. Carruthers may suffer from schizoaffective disorder, bipolar type and/or an antisocial personality disorder. However, in light of *Madison v. Alabama*, this Court is not required to determine the diagnosis. This Court must decide whether the *effect* of any diagnosis and/or mental illness prevents Mr. Carruthers from understanding why, and the reasons that, the State intends to execute him. The Court finds that no such diagnosis and/or mental illness prevents Mr. Carruthers from understanding why, and the reasons that, the State intends to execute him.

Further, the Court has thoroughly reviewed Dr. Agharkar’s written March 5, 2026, report and observed his testimony pertaining to his conclusion that Mr. Carruthers is prevented from

rationality understanding the connection between his crimes and the punishment. The Court finds his conclusion was not well reasoned, was speculative, and was based on inferences not fully supported by the proof.

The Court also finds that Mr. Carruthers, as confirmed by his prior counsel, Ms. Deaver and himself, has an awareness of and a rational understanding of his conviction. The Court also finds, as confirmed by his prior counsel, Ms. Deaver and himself, that Mr. Carruthers has an awareness of and a rational understanding of impending execution.

Further, Mr. Carruthers has acknowledged his pending execution date on his tablet and on the telephone. (See Exhibits 19 and 44.) Since the setting of his execution date, he has filed *pro se* motions seeking relief from his conviction and has attempted to initiate a social media campaign via hashtags to seek assistance with his claims.

Finally, the Court finds that Mr. Carruthers has a rational understanding of the relationship between the conviction and the impending execution as he understands why the State wants to execute him and the reasons for his execution. Mr. Carruthers, at the hearing, admitted such. Mr. Carruthers, when asked why the State was going to execute him, said it was because of the use of the false testimony of Alfredo Shaw by law enforcement and prosecutors. In other words, he knew that he was being executed for the murder convictions, but he claimed he was wrongfully convicted. When asked if he will be executed, he said he hoped not. He is trying to get exonerated.

Mr. Carruthers testified that he did not believe his conviction was a sham and that he never thought his case was a sham. He said that for 32 years, he has been trying to challenge the “paid-for” testimony with anyone who would listen. He believes that if he is executed, it will be because he was wrongfully convicted. Mr. Carruthers *clearly* understands why the State intends to execute and the reasons for the execution.

During the hearing, Tony Carruthers appeared to be alert and interested in the hearing. He did not appear to be in a manic state. He conducted himself appropriately all four days of the hearing. He addressed the court respectfully. He was clear and articulate. He wrote notes to his attorneys and communicated with counsel. (See Exhibits 6, 7, and 33.) He made reasonable complaints about his housing situation. These observations contribute to this Court's finding that Mr. Carruthers is competent to be executed.

Prior to testifying, Mr. Carruthers requested independent special appointed counsel to advise him about testifying. This is behavior of a competent individual.

Based upon these reasons, this Court finds that Mr. Carruthers has failed to carry his burden by a preponderance of the evidence to show that he is incompetent to be executed. The Court finds that he is, in fact, competent to be executed. He believes that if he is executed, it will be because he was wrongfully convicted.

The Court also notes that Mr. Carruthers' case is not like Mr. Panetti's case. Mr. Panetti believed the State of Texas wanted to execute him to cover up the incest, corruption, sexual abuse, drug trafficking, etc., he has uncovered in Fredericksburg and that the Devil has "blinded" the State of Texas and was using the State to kill him to stop him from preaching and "saving souls." Unlike Mr. Carruthers, Mr. Panetti did not have a rational understanding as to *why* the State intended to execute him.

Mr. Carruthers' case is more closely aligned with the John C. Middleton case out of Missouri. *State ex rel. Middleton v. Terry Russell*, 435 S.W.3d 83 (Mo. 2014). In that case, the forensic psychiatrist, Dr. Logan, stated, "With regard to his scheduled execution, while Mr. Middleton can recite the reason it was imposed, he in fact believes his conviction was the result of a conspiracy which included his associates, law enforcement, the courts, prosecutors and his

defense attorneys. Furthermore, he shows little to no emotional reaction to his impending execution date but instead believes he will not die while incarcerated but will be cleared on the charges and return to the community.” *Id.* at 84.

However, the Missouri Supreme Court found:

First, Dr. Logan opines that Middleton is delusional because he “believes his conviction was the result of a conspiracy which included his associates, law enforcement, the courts, prosecutors and his defense attorneys.” This analysis does not account for the fact that Middleton’s lawyers have raised a series of claims asserting that Middleton’s trial and appellate counsel were ineffective and that he is an innocent victim of over-zealous prosecutors and illicit “secret deals” between law enforcement officers and prosecution witnesses. That Middleton is now persuaded as to the legitimacy of these claims (despite their having failed to convince any state or federal court) does not make Middleton delusional in the way that renders him incompetent to be executed under the Eighth Amendment.

Dr. Logan’s other basis for his opinion is that Middleton “shows little to no emotional reaction to his impending execution date but instead believes he will not die while incarcerated but will be cleared on the charges and return to the community.” Even though Middleton’s optimism may be misplaced, even illogical, it hardly constitutes proof that he is delusional under Panetti and Ford in light of the fact that Middleton has faced three or more execution dates since his conviction nearly 20 years ago and has received a stay each time. Moreover, it does not constitute the sort of delusion that Panetti and Ford declare renders an inmate incompetent to be executed under the Eighth Amendment.

*State ex rel. Middleton v. Terry Russell*, 435 S.W.3d 83, 84–85 (Mo. 2014)

Nothing in Dr. Logan’s statement, or in the other proof submitted with Middleton’s petition, even approaches a substantial threshold showing that Middleton suffers from such delusions. Instead, at most, they show that Middleton is delusional as to his innocence and his chances of escaping execution. Middleton plainly understands he is to be executed as punishment because he was found guilty of murdering his three victims; he simply believes he should not have been convicted. Nothing in Panetti or Ford suggests that an inmate is incompetent to be executed only if he both understands why he is being executed and agrees that the sentence is justified.

*State ex rel. Middleton v. Terry Russell*, 435 S.W.3d 83, 85–86 (Mo. 2014)

Another Missouri case, *State ex rel. Clayton v. Griffith*, 457 S.W.3d 735 (Mo. 2015), is also instructive. “As in *Middleton III*, neither the fact that Clayton believes he should not have

been convicted nor the fact that he believes he will be spared execution are sufficient to make a threshold showing that he is incompetent. *Id.* at 85. Clayton's beliefs in these respects are likely mistaken. They may even be delusional. But they are not the sort of delusions described in *Panetti*, and they do not constitute a threshold showing of incompetence as required by *Ford*.” *Id.* at 745.

The Court went on to find:

Even though Clayton has a severe brain injury and Middleton did not, Dr. Logan's assessment of the effects of Clayton's injury on his competence to be executed is fundamentally the same as his assessment of Middleton's competence to be executed. Dr. Logan concluded they were both incompetent because they both believed they were wrongfully convicted and they both believed their sentences would never be carried out. But being “delusional as to his innocence and his chance of escaping execution” did not mean that Middleton was incompetent to be executed. *Id.* Accordingly, those same delusions do not constitute a sufficient threshold showing that Clayton is incompetent to be executed.

*State ex rel. Clayton v. Griffith*, 457 S.W.3d 735, 749 (Mo. 2015).

Finally, in *Mays v. State*, No. AP-77,055, 2019 WL 2361999, (Tex. Crim. App. June 5, 2019), the Court appointed Dr. Bhushan S. Agharkar, Dr. J. Randall Price, and Dr. George Woods to evaluate Mr. Mays. The Court found Mr. Mays to be competent to be executed. Mr. Mays had similar thoughts to Mr. Carruthers. The Court found:

Price stated in his report that Mays “has a rational understanding that he is to be executed and that it is imminent even though he is holding on to the idea that a miracle might happened [sic] which would result in his release from prison.” Price further opined that Mays “understands that he will be executed because he was convicted of capital murder even though he believes his conviction was totally unfair.” Therefore, Price concluded that Mays “is competent for execution.”

*Mays v. State*, No. AP-77,055, 2019 WL 2361999, at \*8 (Tex. Crim. App. June 5, 2019)

The Court went on to find:

Mays told Price that he understood he was on death row because he had been convicted of capital murder for killing a police officer. While Mays also told Price that he believed the conviction was unjust, Price testified that it is very common for inmates to deny that they were at fault in committing an offense. And even Woods acknowledged that whether a person believes they were justly convicted is “not

really an issue for you when it comes to competency.” Price also clarified that it is common, and certainly not irrational, for an inmate to hold the belief that, against all odds, his conviction might one day be overturned.

*Mays v. State*, No. AP-77,055, 2019 WL 2361999, at \*17 (Tex. Crim. App. June 5, 2019)

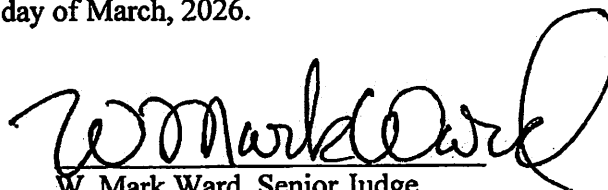
**Conclusion**

Based upon the foregoing, the Court finds that Mr. Carruthers, as confirmed by his prior counsel, Ms. Deaver and himself, has an awareness of and a rational understanding of his conviction. The Court also finds, as confirmed by his prior counsel, Ms. Deaver and himself, that Mr. Carruthers has an awareness of and a rational understanding of impending execution.

Finally, the Court finds that Mr. Carruthers has a rational understanding of the relationship between the conviction and the impending execution as he understands why the State wants to execute him and the reasons for his execution. Mr. Carruthers, at the hearing, admitted such. Mr. Carruthers, when asked why the State was going to execute him, said it was because of the use of the false testimony of Alfredo Shaw by law enforcement and prosecutors. In other words, he knew that he was being executed for the murder convictions, but he claimed he was wrongfully convicted. When asked if he will be executed, he said he hoped not. He is trying to get exonerated.

The Court finds that Mr. Carruthers has not overcome the presumption of competency by a preponderance of evidence. The Court finds Mr. Carruthers competent to be executed.

**IT IS SO ORDERED** this 16<sup>th</sup> day of March, 2026.



W. Mark Ward, Senior Judge  
Sitting by designation

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

TONY VON CARRUTHERS )

Petitioner, )

vs. )

STATE OF TENNESSEE, )

Respondent. )

No. 94-02797; 94-02798;  
94-02799; 95-11128; 95-11129;  
P-25948

CAPITAL CASE

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NOTICE OF PETITIONER'S EXPERT EVALUATION

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Pursuant to the January 20, 2026 scheduling order, Mr. Carruthers gives notice of the filing of the written report of Dr. Bhushan Agharkar, attached to this notice as Attachment 1.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
MIDDLE DISTRICT OF TENNESSEE

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Amy D. Harwell  
Counsel for Tony Carruthers

**CERTIFICATE OF SERVICE**

I certify that on March 5, 2026, a true and correct copy of the foregoing was served via email to opposing counsel, G. Kirby May, Benjamin Barker, and Nick Spangler.



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Amy D. Harwell

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March 5, 2026

Amy Harwell, First Assistant Federal Public Defender  
Office of the Federal Public Defender  
for the Middle District of Tennessee  
164 Rosa L. Parks Blvd.  
Nashville, TN 37203

Re: Mr. Tony Carruthers  
DOB: 7/1/1968

Dear Ms. Harwell:

I write to provide you, your team, and the Court a comprehensive report of my psychiatric evaluation of Mr. Carruthers.

As you know, I evaluated Mr. Carruthers in 2011 and again in January and February of 2026. My initial evaluation included a psychiatric diagnostic assessment and a determination of whether and how his psychiatric and cognitive disabilities affected his behavior, reasoning, and judgment during various stages of his legal proceedings. More recently, I was asked to address:

- 1) Mr. Carruthers's competency to be executed under *Ford v. Wainwright*, 477 U.S. 399 (1986); *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999); *Panetti v. Quarterman*, 551 U.S. 930 (2007); *Madison v. Alabama*, 586 U.S. 265 (2019), and their progeny; and
- 2) Mr. Carruthers's competency to waive his rights to a proceeding to determine his competency to be executed.

In considering these referral questions, I conducted a thorough forensic interview with Mr. Carruthers in 2011, observed his mental functioning during court proceedings in January and while in custody in February 2026, reviewed a wealth of information concerning his mental health from an early age, including numerous detailed

declarations regarding his behavior over the course of many years, and listened to and assessed numerous recorded telephone calls and voicemails.

It is my professional opinion, which I hold to reasonable degree of medical certainty, that Mr. Carruthers is not competent to be executed under *Panetti*, because he does not have a rational understanding of the connection between his conviction and his impending execution. Moreover, he is not competent to waive a determination of his competence, because his serious mental illness prevents him from intentionally relinquishing or abandoning a known right under *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938), or having a “full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.” *State v. Mackey*, 553 S.W.2d 337, 340 (Tenn. 1977).

### **Sources of information:**

I interviewed Mr. Carruthers at the Riverbend Maximum Security Institution (RMSI), Tennessee Department of Correction (TDOC), on June 14, 2011, for approximately 3.5 hours. I also attended the court proceeding in Shelby County Criminal Court on January 6, 2026, to witness Mr. Carruthers’s behavior in the courtroom. I observed Mr. Carruthers’s behavior and interactions in the courtroom and, when the Court determined it was appropriate, approached him in the court holding cell to conduct an evaluation. When I attempted to evaluate Mr. Carruthers, he did not acknowledge my presence or engage with me. On February 24, 2026, I returned to RMSI pursuant to this Court’s appointment order to attempt a psychiatric evaluation. Mr. Carruthers did not acknowledge my presence or engage with me despite my attempts to entice him to do so.

The voluminous materials I reviewed for my assessments are appended to this report as Appendix A.

### **Observations of Mr. Carruthers’s presentation during clinical interview and assessment:**

Mr. Carruthers is an African-American man of average build, dressed in jail attire each time I have seen him. His grooming appeared appropriate. He was alert and cooperative with good eye contact during my assessment in 2011. During my evaluation of him in 2011 and contacts with him in 2026, he displayed no abnormal movements, but his movement was limited by restraints. In both 2011 and 2026, he demonstrated a good command of the English language. His speech, however, was pressured, rambling, and hyperverbal. The content of his speech revealed that his thought process was tangential and difficult to follow at times, and it evidenced significant delusional thought processes involving persecutory beliefs and paranoid ideation.

Mr. Carruthers was exceptionally guarded and suspicious during our interview in 2011. He fixated on my previous work with the FBI, informing me that this was a “red flag”

# A-060

Re: Mr. Tony Carruthers

that I was untrustworthy. He was further distressed about the “microphones” in the ceiling monitoring our visit and that the guards positioned outside the room were eavesdropping on our interview, though they plainly were unable to do so. He further stated the Riverbend (prison) guards probably believed I was an FBI agent masquerading as a psychiatrist and they would likely try to glean information from me that could be passed on to the prison guards at the facility in Morgan County where he was, then, housed.

Throughout our interview in 2011, Mr. Carruthers was hypervocal, tangential, and appeared quite paranoid. His answers to questions were convoluted and overinclusive of detail, which rendered gathering specific details difficult.

Mr. Carruthers discussed the problems he had with current and prior counsel. Chief among them was that he had uncovered a “silver bullet” that would have cleared his name or obtained a new trial but, according to Mr. Carruthers, his counsel refused to pursue the issues he knew were most important to his case. Mr. Carruthers falsely “knew,” and continues to “know,” that a vast government conspiracy has deprived him of his due process rights. He alleged jury tampering was uncovered in his trial, but his defense attorneys refused to raise this issue because of their collusion with the State. He recounted the various difficulties he experienced with each set of pretrial attorneys, including their alleged homosexual advances on him and their alleged disbelief of his innocence.

Though he did not want to represent himself at his trial, Mr. Carruthers firmly believed that he was “winning” his trial but the Judge and prosecutor “shut [him] down” because he was doing so well. He discussed that he was not allowed to make his points and that the judge sustained the State’s objections knowing that they were without merit.

Mr. Carruthers was most distressed that his post-conviction counsel had him evaluated by a psychiatrist—Dr. William Kenner—even though he repeatedly and vehemently insisted that “there was nothing wrong with [him].” He claimed that Dr. Kenner attempted to threaten him with forcible medication and if he did not acquiesce, he would not get a new trial. I attempted to explain that Dr. Kenner was offering a hypothetical scenario and stating his opinion that medications might be helpful to him. Mr. Carruthers responded by becoming increasingly agitated and upset, declaring that I was incorrect and that he was in fact threatened and it was videotaped. He detailed that he planned to sue Dr. Kenner for threatening him in this way along with all previous counsel. He explained that the government owes him \$33 million because his previous attorneys broke ethical conduct Rule 3.3. He further explained that with \$1 million per violation multiplied by ten attorneys, he was entitled to \$33 million. I then attempted to ask him about rather cryptic messages in his letters to his attorneys. He declined to explain the meaning of his letters but rather explained that all his attorneys “understood”

his meaning quite clearly. He further added that if they said they did not understand, they were lying to make it look like he was the “problem.”

Mr. Carruthers went on to explain that the media was colluding with the State in covering up the bias and errors in his trials. His explanation for his conclusion was convoluted and difficult to follow, as well as implausible. When I challenged him, he simply stated I did not know all the “facts” and indicated that his beliefs were selfevident. He proceeded to explain to me that he has been poisoned while incarcerated and given “Pylori” in his food. He then abruptly shifted to explain that he was monitored around the clock and that law enforcement stole his Social Security number.

Not surprisingly, Mr. Carruthers forcefully denied—and continues to deny—that he experienced any psychiatric difficulties or problems. During my clinical interview in 2011, Mr. Carruthers was unable to discuss any symptoms of mental illness because he adamantly refused to accept that he has one and stated that he did not understand why he needs to be evaluated by a psychiatrist. He denied symptoms of depression, bipolar disorder, post-traumatic stress disorder, and psychosis. He steadfastly denied any symptom that might be considered part of a mental illness and repeatedly stated, “I am not crazy.” He denied any suicidal or homicidal ideation and denied any intent or plan to commit suicide. Mr. Carruthers denied feelings of paranoia, ideas of reference, or auditory/visual hallucinations, though he clearly was paranoid and tangential during our interview. Mr. Carruthers’s on-going refusal to interact with TDOC mental health practitioners indicates that, despite the overwhelming evidence to the contrary, he continues to believe he is not mentally ill.<sup>1</sup>

My review of Mr. Carruthers’s more recent behavior from numerous sources confirms that my 2011 observations are equally relevant to Mr. Carruthers’s current and adamant belief that he suffers from no mental illness. Mr. Carruthers’s lack of insight is typical of persons with psychotic illness. It is not volitional or purposeful, but rather, he exists in a delusional world that appears “normal” to him and is thus akin to asking a fish what water is. As I explain below, Mr. Carruthers misunderstands the existence and severity of

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<sup>1</sup> 20260210\_2133\_9012477701\_1770780798\_190\_12\_152\_750.wav (indicating on February 10, 2026, “I ain’t got no goddamn schizophrenia.”); 20260210\_1921\_9012477701\_1770772876\_190\_13\_172\_603.wav (indicating on February 10, 2026, that he is not sick, that his lawyers and the experts are making it up for money); Deaver Decl. at #108-112; *see, e.g.*, TDOC Mental Health Screening Reports (June 1, 2021; January 20, 2022; February 17, 2022; February 3, 2023 (saying he says he is “excellent”); June 18, 2025, September 12, 2025; September 15, 2025; October 10, 2025; October 17, 2025; November 6, 2025; November 11, 2025 (all saying he reports he is “good” and/or refuses to participate)) ; Unit review panel hearing (December 3, 2021 (saying he reported he was “excellent”); *see also*, TDOC reports of Mr. Carruthers’s refusal to participate in mental health screenings December 1, 2023; August 10, 2023; July 11, 2023; June 7, 2023; May 4, 2023; April 6, 2023; March 2, 2023; February 14, 2023; January 9, 2023.

his mental impairments and his adamant refusal to disclose or discuss them demonstrate their existence and severity.

## **Clinical Conclusions:**

After my review of records, reports, expert and lay declarations, and my psychiatric evaluation of Mr. Carruthers, spanning fifteen years, it is my opinion, which I hold to a reasonable degree of medical certainty, that Mr. Carruthers suffers from Schizoaffective Disorder, Bipolar Type. For the purposes of this assessment, I used the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition Text Revision (DSM-5-TR). Though I initially evaluated Mr. Carruthers under the DSMIV, the differences in the formulation between the two editions of the DSM are negligible: in each, Schizoaffective Disorder, Bipolar Type is described as a serious mental illness within the category of psychotic disorders.

This diagnosis reflects significant psychotic symptoms coupled with mood swings alternating between mania and depression. Persons with this disorder are psychotic (have impaired reality testing) at baseline. Such persons may hallucinate, have delusions such as paranoid and persecutory beliefs, and exhibit disorganized thoughts or behaviors. Further complicating this illness is the presence of significant mood swings of mania and depression. It may be best described to laypeople as a combination of Schizophrenia and Bipolar Disorder. It is a severe and persistent debilitating mental illness with an extremely poor prognosis if untreated. People suffering from this disease also exhibit cognitive impairment and decline in areas such as, but not limited to, memory, insight, judgement, thought organization and sequencing, and problem solving. This illness is well described in the DSM-5-TR as well as Kaplan and Sadock's Comprehensive Textbook of Psychiatry, Eleventh Edition.

Mr. Carruthers, both in 2011 and in 2026, manifests multiple symptoms of serious mental illness including pressured speech, flight of ideas, mental inflexibility, and pervasive paranoid and persecutory delusions. Mr. Carruthers exhibited these symptoms during my 2011 assessment and continues to manifest in his recorded conversations. As mentioned above, his inability to meet with me or other forensic psychiatrists or psychologists is itself a symptom of his mental illness and psychiatric condition. Mr. Carruthers's psychotic disorder and accompanying fixed false beliefs and extreme paranoia prevent him from thinking rationally, understanding his legal status or the role of the various actors in the criminal justice system, or altering his beliefs based on evidence presented.

Although Mr. Carruthers denied to me and continues to deny to others that he is mentally ill and paranoid, he, by medical and mental health standards, clearly is. Both in person to me and in his recorded telephone conversations, he is tangential in his thought

processes and shows a lack of mental flexibility. His delusions are primarily paranoid and persecutory. For example, he believes that he is the subject of an elaborate conspiracy involving the judge, jury, prosecution, and defense attorneys in conjunction with the media, that he is constantly surveilled and was during his trial, and he sees connections and messages in communications that are not there. He writes copious letters which include “codes” to others, though he is the only one who understands the codes.

Despite his impending execution date, he has repeatedly attempted to “take control” of the process—to his own detriment. Recently, Mr. Carruthers has twice contacted the Attorneys General who are counsel of record in opposition to him, seeking their help in filing and vindicating his claims.<sup>2</sup> This history demonstrates that he was—and continues to be—unable to recognize the risk and shifts strategies when his approach was clearly failing him. This form of perseveration is a hallmark of psychotic thought processes and/or brain damage.

Also of clinical significance is the extensive history of mental illness experienced in Mr. Carruthers’s maternal family. It is widely known that there is a significant genetic component to mental illness and psychotic conditions.

It also is my opinion, which I hold to a reasonable degree of medical certainty, that in addition to suffering from Schizoaffective Disorder, Bipolar Type, Mr. Carruthers has significant brain damage and brain dysfunction. This damage is evident from Dr. Ruben Gur’s analysis of MRI and PET imaging of Mr. Carruthers’s brain. The most prominent damage appears to be in the frontal and parietal lobes, as well as the corpus callosum and amygdala. The resulting damage is likely to compromise his daily functioning in many respects, including in the areas of memory and attention, fear and appropriate recognition/response to a threat, and aspects of executive functioning related to his ability to make good judgments, appropriately interpret and respond to the world around him, read social cues, and exercise effective impulse control under stress. The affected areas are also implicated in having poor insight into one’s own troubles and conditions.

The co-morbidity of Schizoaffective disorder and brain damage is a marked, severe, disabling condition. His psychotic and other Schizoaffective symptoms are likely to be exacerbated by the effects of his brain impairments, and likewise, his psychiatric symptoms will intensify the negative effects of the damage to his brain. It is more likely that a person with a dual diagnosis will decompensate under stress, will have added difficulty coping with symptoms, will have more profound symptoms.

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<sup>2</sup> Deaver Decl. at #124, Attachment 81 (email from Courtney Orr); February 11, 2026 email from Sarah J. Stone (with attachments of texts to her personal cell phone).

Due to his being a poor historian and his inability to acknowledge his psychotic illness—combined with his more recent refusal to participate in the evaluation process—it is difficult to ascertain the extent, time course, and severity of Mr. Carruthers’s mental illness based on the information from him. It is critically important in this particular situation to rely on collateral data.

Multiple sources provide information about Mr. Carruthers’s paranoia and distorted perceptions of reality. My review of recorded phone conversations between Mr. Carruthers and his community supports my earlier assessment and evidences the gravity and debilitating effects of Mr. Carruthers’s severe mental illness. Although portions of Mr. Carruthers’s conversations with his sister, cousin, and other community members may appear to be relatively unremarkable, across many calls Mr. Carruthers consistently displays his perseverative thinking, extreme paranoia, and extensive and complex delusions. The declarations of Mr. Carruthers’s counsel are congruent with both my in-person assessment of Mr. Carruthers and with the literature regarding that which is typical of people suffering from Schizoaffective Disorder, Bipolar Type. Mr. Carruthers’s older writings (attached to Ms. Satyra Deaver’s declaration) are symptomatic and demonstrate the severity of his mental illness. The documents attached, which I understand are not the entirety of his writings during the Federal Public Defender’s representation of him, reflect hypergraphia and mania—the volume of his writing is remarkable. Additionally, despite obvious paranoia that others may view him as mentally ill, Mr. Carruthers continually documents his beliefs and claims in written form revealing the insistent nature of his delusions. Finally, though perhaps most compellingly, review of TDOC records since 2011 supports my diagnosis. Over the decades long span of the records provided, Mr. Carruthers has been observed by TDOC mental health practitioners to exhibit complex and persistent paranoia and symptoms of psychosis.<sup>3</sup>

### **Evaluation of Mr. Carruthers’s competency to be executed:**

Mr. Carruthers suffers from many, persistent, debilitating delusions that compromise his perceptions of that which is going on around him and render his understanding of the

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<sup>3</sup> TDOC observed him to be “preoccupied with legal matters; preoccupied with homosexual activity; and preoccupied with the term ‘hyperarousal.’” The TDOC staff also found him to “perseverate on the belief that *Miranda v. Arizona* was applicable to the nature of this [mental health assessment] encounter. It is unclear whether Mr. Carruthers’ resistance is secondary to intellectual functioning, personality functioning, or delusional/psychotic symptomatology.” (Noted in entries dated June 1, 2018; July 1, 2018; September 18, 19, 20, and 23, 2013; between November 19, 2020-April 14, 2022; December 10, 2020). Moreover, TDOC mental health providers concluded in 2022 that “Mr. Carruthers’ irrational approach to these encounters remains a concern, particularly as it relates to his mental status.” TDOC’s observations—limited by Mr. Carruthers’s refusal to participate in so much as a mental health screening—are congruent with my observations and conclusions.

relationship between his conviction and his execution irrational.<sup>4</sup> Mr. Carruthers is paranoid about his lawyers, their role in what he perceives as the injustice of his case, and their role in the setting of his execution date. He illogically believes that—execution date notwithstanding—he is about to be released from custody as soon as various improbable actors (the Board of Professional Responsibility,<sup>5</sup> the Attorney General’s office,<sup>6</sup> the Department of Justice,<sup>7</sup> Governor Bill Lee,<sup>8</sup> and “Kim Kardashian mama”<sup>9</sup>) agree to accomplish various improbable acts. These actions include making his hashtag go “viral” or posting Judge Addison’s order authorizing the release of information about Alfredo Shaw. Each of which Mr. Carruthers believes will result in his immediate release.<sup>10</sup> Finally, his paranoia about the conspiracy against him has evolved into a belief that his continued incarceration is to prevent him from receiving the \$3.3 or \$33.3 million rightly due to him for exposing various bad acts (the non-payment of taxes by criminal informants nationwide, his claims against TDOC, and his entitlement because of the illegal wiretap on his attorneys’ phone). Each of these delusions interlocks or overlaps with the others, combining synergistically to prevent a rational understanding of the State’s rationale for his execution. *Panetti v. Quarterman*, 551 U.S. 930, 959 (2007).

I considered the possibility that Mr. Carruthers was malingering his impairments, but, in my opinion, he is not. Given the level of paranoia exhibited during my interview and in the records reviewed, his outright and insistent denial of any symptoms of mental illness,

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<sup>4</sup> While Ms. Deaver has witnessed some indications that Mr. Carruthers may be experiencing hallucinations (i.e. his statements that he hears “whispers” on the “wiretap”), Mr. Carruthers denied auditory or visual hallucinations in our interview. Accordingly, despite some evidence that he experiences hallucinations (both his statements and his responsive whispering), I do not rely on hallucinations in my forensic assessment of his competency.

<sup>5</sup> Henry Decl. at #19.

<sup>6</sup> See, e.g., 20260120\_1326\_9015032602\_1768937210\_181\_12\_155\_566.wav (asking friend to email Assistant Attorney General John Bledsoe the Alfredo Shaw transcript and phone call because Mr. Carruthers wants to see if Bledsoe will notify the Board of Professional Responsibility about the criminal conspiracy between Shaw and the District Attorney’s Office).

<sup>7</sup> See, e.g., 20251001\_1142\_9015032602\_1759336953\_181-12-173\_731 (telling “Twin” that he talked to Kelley Henry about going to the Department of Justice and the Board of Professional Responsibility about former Assistant District Attorney General, John Campbell).

<sup>8</sup> See, e.g., 20260108\_1044\_9015032602\_1767890642\_5000\_13\_67\_720.wav (“The justice department grand jury in every federal jurisdiction in America meet every Tuesday. You don’t have to wait to release me. They can go on and indict Alfredo Shaw now and release me now. Because if he going get indicted by the Justice Department you can rest assured that the Tennessee Attorney General and Governor Bill Lee say y’all can release him now. Hashtag release me today.”).

<sup>9</sup> See, e.g., 20251001\_1921\_9016865340\_1759364513\_181\_13\_159\_936.wav.

<sup>10</sup> See Deaver Decl. at #95-97.

the consistency of his paranoid delusions over decades, his tangential and delusional thought processes, the family history of mental illness, and his correctly answering simple questions to detect overt malingering, I am confident that malingering is not a contributor to Mr. Carruthers's psychiatric presentation.

As with many persons suffering from delusions, Mr. Carruthers's delusions at times incorporate real-life events and people.<sup>11</sup> What distinguishes Mr. Carruthers's mental illness is the degree to which his interpretation of those events and the motivation of those people are distorted from any semblance of rational thought. As a result, Mr. Carruthers may refer to a witness, his death sentence, or the names of his attorneys, but his psychotic condition compels his irrational conclusions and prediction of events, which in turn prevents him from understanding the world around him in any meaningful sense.

**(1) Mr. Carruthers's paranoia about counsel both reflects his impaired perceptions of reality and impairs his understanding of his impending execution.**

Mr. Carruthers's paranoia about his counsel is long-standing. Review of the records shows that as early as 1995, Mr. Carruthers sent letters to his trial counsel that reflected his paranoia about them. Mr. Carruthers described his trial counsel, William Massey, as a member of an "organization" that was a "threat to the blackmen."<sup>12</sup> He wrote, in a separate letter, that "I want your license to practice law revoked or suspended"<sup>13</sup>—a refrain that has become an obsession for Mr. Carruthers over the intervening thirty years.

Mr. Carruthers's current accusation that Mr. Richard Tennent and Ms. Kelley Henry have abandoned him because of their reluctance to "go after" former District Attorney General and now Judge John Campbell, echoes his accusations thirty years ago against his trial counsel.<sup>14</sup> In December 1995, Mr. Carruthers accused Mr. Massey of "assisting the prosecutor" and of abandoning Mr. Carruthers as a client.<sup>15</sup> Mr. Carruthers wrote the trial judge saying that Mr. Massey "refused to properly investigate my case. He refuse [sic] to file prosecutorial misconduct charges against the Asst. Attorney General Jerry Harris. He also is addicted to cocaine a [sic] illegal controlled substance which affects his ability to

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<sup>11</sup> The incorporation of real-life elements into a delusion is a widely recognized and accepted phenomenon. *See, e.g.*, DSM-IV at 765.

<sup>12</sup> December 2, 1995 letter to William Massey.

<sup>13</sup> December 5, 1995 letter to William Massey.

<sup>14</sup> Harwell Decl. at #25.

<sup>15</sup> December 23, 1995 letter to William Massey.

practice law.”<sup>16</sup> Mr. Carruthers had similar paranoid beliefs about several of his subsequent counsel. He complained that multiple counsel made homosexual advances toward him.<sup>17</sup> He also complained that his habeas counsel had AIDS and herpes and expressed a belief that the disease compromised counsel’s mental acuity.<sup>18</sup> All of these assertions were belied by his defense team, but Mr. Carruthers’s fixed beliefs are unchanged by any evidence to the contrary. Indeed, his paranoia about counsel persists today. Mr. Carruthers currently claims that Mr. Tennent and Ms. Henry no longer represent him because of putative qualms about reporting misconduct to the Board of Professional Conduct.<sup>19,20</sup>

Mr. Carruthers irrationally believes that his attorneys are “polices” who are “trying to sabotage” him.<sup>21</sup> In a call to “B” on January 8, 2026, Mr. Carruthers said of his counsel:

They know something I don’t know. They keeping it a secret from me. See Alfredo Shaw is an FBI informant so lawyers are officers of the court **they is like polices** too they is **just like DAs they are just over there acting like they represent your constitutional rights and they officers too** alright. So they ain’t gonna tell you everything. Just like when you getting ready to get transferred and moved, lawyers ain’t gonna tell you, even though they know before you leave they just like the polices. A lawyer is a police. They is officers of the court. So they know something that I don’t know. Time for Alfredo Shaw to pay the piper. He didn’t pay taxes on none of these people he framed.<sup>22</sup>

Mr. Carruthers reflexively expresses paranoia about his counsel and their wide-ranging participation in the global conspiracy against him. On the day after his execution was set,

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<sup>16</sup> December 27, 1995 letter to Judge Joe Dailey.

<sup>17</sup> See e.g., 01/13/2009 Letter to Paul Bottei (attachment 33 to Deaver Decl.) (citing FPD’s refusal to report attorney Coleman Garrett for homosexual activity).

<sup>18</sup> Deaver Decl. at #62; see also, 04/30/2014 Letter to Michael J. Passino (attachment 34 to Deaver Decl.) (“I have enclosed a copy of document trying #198 Notice of Intent to File Rule 60(b)(3) and #60(d)(3) Fraud Upon The Courts Motion, for your Brain damage from herpes viral-encephalitis/morret meningitis!!”).

<sup>19</sup> Harwell Decl. at #25; Henry Decl. at #19.

<sup>20</sup> Note: Mr. Carruthers has also expressed a belief that Ms. Henry works for the FBI (Deaver Decl. at #113). He also believes the FBI is both monitoring the “wiretap” on the Federal Public Defender phones and thinks Alfredo Shaw was an FBI informant. It is not uncommon for delusions to overlap and to be inherently inconsistent in the manner of Mr. Carruthers’s delusions.

<sup>21</sup> 20260106\_1854\_9016865340\_1767747247\_5000\_13\_135\_825.wav.

<sup>22</sup> 20260108\_1914\_9016865340\_1767921289\_5000\_12\_102\_372.wav (emphasis added).

he said that his lawyer is **“in a conspiracy with the State to get me hurt. That’s why she file the fake shit, She filed the fake shit just to make them mad.”**<sup>23</sup> He also said:

Man, y’all got to come on now because the folks conspiring. The folks that supposed to be representing me, I had 30 lawyers and they all been conspiring with the State the whole time. They all -- Alfredo Shaw told them folks 30 years ago, man, they paid me to make this up. And all of **the lawyers just sabotaged an appeal. All of them been working with the State the whole time.**<sup>24</sup>

He continues in early 2026, “My lawyer and them can help . . . **my lawyer can help the state cover it up** if [Earley] Story don’t tell me that specifics of the communication with the JRU and Judge Joe Brown.”<sup>25</sup> (emphasis added). He says, he has had this “law firm” (presumably the Federal Public Defender) for 18 years and that they talked to Alfredo Shaw in 2011. He did not “know” until 2019 that they were helping Mr. Shaw cover up the fact that Earley Story was framed.<sup>26</sup> On January 18, 2026, he referred to counsel as “intrinsic fraudsters” who say they are representing him but are conniving in his defeat— “[l]ying by omission.”<sup>27</sup>

Mr. Carruthers’s paranoia underlies his irrational belief that his attorneys caused his execution date to be set.<sup>28</sup> In calls on October 1, 2025, the day after the Tennessee Supreme Court set his execution date, Mr. Carruthers ascribes sinister intent to his counsel, describing that he needs a new lawyer “because my lawyer did this intentionally to try and get me executed”<sup>29</sup> and asks “for the lawyer to be disbarred for **trying to get me killed** by not putting that evidence in the courthouse in the timeframe that she know she had to put it in there.”(emphasis added).<sup>30</sup> During a call on January 15, 2026, with

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<sup>23</sup> 20251001\_1710\_9012477701\_1759356647\_181\_12\_137\_716.wav (speaking to someone referred to as “T-Money”).

<sup>24</sup> 20251001\_1142\_9015032602\_1759336953\_181\_12\_173\_731.wav (speaking to someone referred to as “FunkyShaw”).

<sup>25</sup> 20260108\_1044\_9015032602\_1767890642\_5000\_13\_67\_720.wav.

<sup>26</sup> *Id.*

<sup>27</sup> 20260118\_2021\_9016865340\_1768789295\_181\_13\_203\_35.wav.

<sup>28</sup> 20251021\_2026\_9016865340\_1761096372\_181\_13\_47\_146.wav; *see also* January 13, 2026 call with “Tori,” 20260113\_2147\_9012477701\_1768362422\_181\_13\_56\_262.wav (discussing his lawyers as “sick ass people” who are working against him).

<sup>29</sup> 20251001\_2028\_9015032602\_1759368512\_181\_12\_251\_400.wav.

<sup>30</sup> 20251001\_1921\_9016865340\_1759364513\_181\_13\_159\_936.wav.

Sue Jackson, Mr. Carruthers explained, “The legal term is extrinsic fraud—pretending to represent me and really conniving in my defeat.”<sup>31</sup>

The intractability of Mr. Carruthers’s delusions and paranoia are evident in his ongoing refusal to engage with counsel.<sup>32</sup> Mr. Carruthers cannot reason with counsel because his delusions are fixed and immutable. As a result, he avoids interactions with them where they could challenge his delusions.

**(2) Mr. Carruthers’s irrational belief in his impending release reflects his lack of rational understanding of his approaching execution.**

Mr. Carruthers believes that he is imminently to be released. This belief demonstrates that his understanding of his sentence and impending execution is not rational. It is simply impossible for one to rationally understand that he will be executed because of a conviction for murder and to simultaneously believe that he is about to be released. This is particularly true in Mr. Carruthers’s case, because the reasons he believes he will be released are, themselves, irrational.

Mr. Carruthers’s belief in his imminent release is unshakable. In a call on January 6, 2026, Mr. Carruthers stated that he “thought they were going to take [him] down there [to the court hearing on January 6, 2026] and release [him].”<sup>33</sup> In a conversation with the person he calls “Twin,” Mr. Carruthers explains:

The justice department grand jury in every federal jurisdiction in America meet every Tuesday. You don’t have to wait to release me. They can go on and indict Alfredo Shaw now and release me now. Because if he going get indicted by the Justice Department you can rest assured that the Tennessee Attorney General and Governor Bill Lee say y’all can release him now. Hashtag release me today.<sup>34</sup>

In conversation with his daughter, he says he will need his own apartment when he gets out, and he teases her about her refusal to let him live with her.<sup>35</sup> He wonders about how their relationship will be when he is released acknowledging that it will be different to

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<sup>31</sup> 20260115\_1728\_9016505824\_1768519716\_181\_12\_173\_98.wav.

<sup>32</sup> See, Deaver Decl. at # 113, 123; Harwell Decl. at # 8, 13, 18, 19, 22, 23, 24.

<sup>33</sup> 20260106\_1854\_9016865340\_1767747247\_5000\_13\_135\_825.wav.

<sup>34</sup> 0 2 6 0 1 0 8 \_ 1 0 4 4 \_ 9 0 1 5 0 3 2 6 0 2 \_ 1 7 6 7 8 9 0 6 4 2 \_ 5 0 0 0 \_ 1 3 \_ 6 7 \_ 7 2 0 . w a v ; 20251216\_2157\_9012477701\_1765943828\_181\_13\_169\_685.wav (expressing that he expects to walk out the door in free world clothing after the January 6 hearing.)

<sup>35</sup> 20260110\_2109\_9012477701\_1768100949\_181\_12\_166\_713.wav.

be around each other rather than only talking thirty minutes a day.<sup>36</sup> In a December 2025 conversation he said, “I need some turquoise pajamas now because these folks fixing to let me out of here.”<sup>37,38</sup>

The only letter Mr. Carruthers has sent to his current legal team this year also typifies Mr. Carruthers’s mental state and exemplifies his delusional interpretation of the legal system and the roles played by various actors.<sup>39</sup> According to his handwritten notation on the envelope, on January 12, 2026, Mr. Carruthers mailed Ms. Deaver, the FPD paralegal in his case, a copy of a letter he wrote to “Senior Asst. A.G. Katherine Cassey Redding; Deputy Solicitor General John H. Bledsoe and Attorney General Jonathan Skrmetti” in July 2025. That letter is remarkable for several observations. In the letter, Mr. Carruthers demonstrates his belief that the attorneys general would file a “writ of error coram nobis” on his behalf. The letter also outlines his belief that the “Sixth Circuit Federal Courts” have issued a “mandate” that the State of Tennessee vacate “all cases when the State of Tennessee theory was established by a paid informant, and the State of Tennessee conceals the paid informant’s status as a paid informant and all the money paid to the government’s informant through-out their career as a undercover government agent/informant.” Mr. Carruthers seems to view the Sixth Circuit’s holding in one specific case as a blanket instruction to the Tennessee Attorney General to vacate his conviction and all others like it. Mr. Carruthers’s letter asked the Attorney General that “the State on it’s on [sic] Writ of ERROR CORAM NOBIS, **vacate** the death sentence because the STATE bribed a state and federal informant to lie, then conceal [sic] the informant’s files until 8-6-2024. PROMPT INDEMNIFICATION.” (emphasis in original). This letter corresponds with Mr. Carruthers’s other stated belief that someone will shortly order his release. Mr. Carruthers copied this letter to fifteen attorneys.

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<sup>36</sup> *Id.*; see also January 13, 2026 call 20260113\_2101\_9012477701\_1768359711\_181\_13\_56\_230.wav (discussing with his sister that “I got to start looking for somewhere for me to live.”); 20260113\_1955\_9016865340\_1768355701\_5000\_13\_193\_424.wav (same).

<sup>37</sup> 20251209\_2015\_9016865340\_1765332948\_5000\_12\_93\_347.wav.

<sup>38</sup> Though in these recorded phone calls Mr. Carruthers frequently invokes “God” colloquially saying things, variously, such as “I actually believe that God gonna open the doors and release me that day bro.” 20251209\_2047\_9015032602\_1765334345\_5000\_12\_171\_931.wav; “it’s going to take the will of God for this to happen.” (20251001\_1921\_9016865340\_1759364513\_181\_13\_159\_936.wav); “I’m strictly depending on God to make this happen for me, bro.” (20251001\_2028\_9015032602\_1759368512\_181\_12\_251\_400.wav), I do not rely on his apparent belief in divine providence in my determination that he is incompetent. While in some cases, belief in the actions of a deity may be the product of religious delusion, I do not have sufficient information to make such a determination about Mr. Carruthers. Instead, my opinion that he is not competent is based on his expressed belief that he will be released through the workings of human actors—albeit through irrational and illogical methods and mechanisms.

<sup>39</sup> 1/12/2026 Letter to Satyra Deaver, enclosing 7/28/2025 Letter to Attorneys General.

In his mailing to Ms. Deaver, Mr. Carruthers also included an August 20, 2025, letter to John H. Bledsoe (a deputy attorney general) wherein he claims that Mr. Bledsoe “represented Alfredo Shaw” in a case against “Earley Story.” He tells Mr. Bledsoe “you should file the State’s Writ of Error Coram Nobis (TODAY)!! ‘PROMPT INDEMNIFICATION!’” (emphasis in original).<sup>40</sup>

Mr. Carruthers’s attempts to organize his community the day after the court set his execution date reveal both his distorted perception of reality and his irrational thinking. In a call to “B” and “Jackie”, he explains that he wants them to come up with \$700 to rent a billboard—“Because when all of the federal agents ride by and see that right there, they know it’s a federal crime been committed. When you pay a witness to commit perjury – aggravated perjury, it’s a crime. And that’s what’s going to save my life, y’all.”<sup>41,42</sup>

In that same call, Mr. Carruthers states that he is soliciting help from “Kim Kardashian mama” and “three or four rappers” to make his hashtag go viral. During a voicemail to Ms. Deaver on January 29, 2026, Mr. Carruthers addresses—via a conversation with the “wiretap”—a wider audience saying, “Free me with your thumbs ladies and gentlemen across America at all the Federal Defender Services in America push this hashtag, contact the lawyers in Michigan and ask them to push the hashtag, #FreeTonyVonCarruthersToday #theypaidAlfredoShawtolie.”<sup>43</sup>

Mr. Carruthers’s delusion that he is to be released is the product of his distorted thought processes. As Ms. Henry’s declaration and the voicemail she discusses document, Mr. Carruthers delusionally believes that if his lawyers would only present evidence that Mr. Shaw was a paid informant to the Board of Professional Responsibility, he could be freed “today”—never mind that the Board does not possess the power to free him.<sup>44</sup> This sort of delusional, illogical thinking both typifies Mr. Carruthers’s functioning and is inconsistent with a rational understanding of the connection between his conviction and his impending execution.

**(3) Mr. Carruthers’s delusion that he is incarcerated solely due to a wide-ranging conspiracy renders him incompetent to be executed.**

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<sup>40</sup> In this letter, Mr. Carruthers includes his distinctive “7”—though it is less prominent and lacks the scales that adorn it in many of his writings that I reviewed attached to Ms. Deaver’s declaration.

<sup>41</sup> 20251001\_1921\_9016865340\_1759364513\_181\_13\_159\_936.wav.

<sup>42</sup> In the succession of calls, Mr. Carruthers references the National Guard presence in Memphis and it is, seemingly, to the Guard troops that he is referring to as “federal agents” in this call.

<sup>43</sup> Voicemail to Satyra Deaver dated January 29, 2026.

<sup>44</sup> Voicemail to Kelley Henry dated January 30, 2026.

Mr. Tennent's reflection that: "Mr. Carruthers has created an illogical intellectual construct that explains why the State is—in his view—pretending to want to execute him" is apt. As Mr. Tennent says:

Mr. Carruthers "knows" that the State will ultimately give up with their fraudulent prosecution and he "knows" that he will be released from prison, and that upon release he will be paid some permutation of 3.3 million, billion, trillion dollars (per violation). He believes that the entire death penalty threat is complete scam.<sup>45</sup>

This delusion is at the heart of Mr. Carruthers's incompetence.

As Ms. Deaver explains, Mr. Carruthers believes that he is kept "behind the door" by a wide-ranging conspiracy of judges, lawyers, and corrections officials to prevent his recovery of \$3.3 or \$33.3 million for various things.<sup>46</sup> Mr. Tennent succinctly itemizes the violations for which Mr. Carruthers claims an entitlement to such an award:

- (1) the fraud upon the court, wherein a Shelby County Assistant District Attorney lied to Judge Kurtz and denied that key witness Alfredo Shaw was a paid informant for law enforcement,
- (2) the illegal wiretapping, interception, and recording of Mr. Carruthers's phone calls,
- (3) the failure of Shelby County District Attorney and/or other entities to reveal to the Internal Revenue Service the payment histories of all of the paid informants (which for inexplicable reasons entitles Mr. Carruthers to \$3.3 million per informant who has not paid taxes on the monies that they have received from the State),
- (4) the illegal detention and incarceration of Mr. Carruthers for a crime he did not commit,
- (5) numerous wrongs inflicted on other people that Mr. Carruthers is aware of—and thus entitled to recompense for (as these wrong cause him "severe emotional distress"), and
- (6) the various medical doctors and psychologists who have examined him without providing their insurance carriers and malpractice information.<sup>47</sup>

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<sup>45</sup> Tennent Decl. at # 30.

<sup>46</sup> Deaver Decl. at # 9, 14, 41, 44, 50, 58.

<sup>47</sup> Tennent Decl. at # 11.

As Mr. Tennent notes, a striking characteristic of Mr. Carruthers's delusion is his belief that discovery of the fraud will inevitably result in his immediate release. He thus seeks to have various people informed of the fraud—though his choice of people to inform reveals his distorted thinking: Mr. Carruthers believes that Attorneys General will “push” his hashtag, that the Governor is listening to the wiretap on the Federal Public Defender phone, and—inconsistently—that a Republican candidate for mayor was pushed out of his political primary because he was about to assist Mr. Carruthers in exposing the fraud on the courts.

The voicemail Mr. Carruthers left Ms. Henry on January 30, 2026, demonstrates that his long-standing delusion about Mr. Shaw is still operative. As Ms. Henry explains, “Mr. Carruthers believes that he is incarcerated solely based on a fraud upon the court which will be revealed and lead to his walking out of the prison.”<sup>48, 49</sup>

Mr. Carruthers believes that many actors are working against him—while illogically counting on those same actors to facilitate his release. For instance, he believes that:

Every prosecutor in that office knew that Alfredo Shaw was in custody in January 1997. Even Judge Joe Brown knew that Alfredo Shaw was in custody when they framed Earley Story. But everybody kept this conspiracy concealed because they knew that it would have released me 30 year (sic) ago. So, we got to let the whole country know how this conspiracy has been concealed using the lawyers to hide evidence for the prosecutor.<sup>50</sup>

Despite his belief that “every prosecutor” was in on the conspiracy to hide *Brady* information so to ensure his conviction and continued incarceration, Mr. Carruthers persists in claiming that Attorneys General will “push” his hashtag and will assist with his release. Despite believing that Judge Joe Brown knew that Alfredo Shaw was framing Early Story, he believes that the former judge will be instrumental in securing his

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<sup>48</sup> Henry Decl. at # 22.

<sup>49</sup> While I understand that Mr. Carruthers's delusion contains a thread of truth—documentary evidence shows that Mr. Shaw was, indeed, a paid law enforcement informant and the proof of that fact was not disclosed to Mr. Carruthers or his post-conviction counsel despite repeated request—it is my understanding that even were relief to be granted on that basis, the relief would be a new trial not immediate release from custody. Mr. Carruthers's fixation on material to impeach one witness—a witness he presented at trial after the State disavowed the witness—is a distorted perception of the case against him, the 30 years of legal proceedings since his conviction, and—ultimately—of reality.

<sup>50</sup> Voicemail to Kelley Henry dated January 27, 2026.

release.<sup>51</sup> Mr. Carruthers does not simply express these irrational beliefs, these beliefs compel further irrational behavior. For instance, he has repeatedly contacted the Attorney General’s office asking two Assistant Attorneys General for assistance—even though each of them has appeared in actions opposing his claims.<sup>52</sup> Mr. Carruthers’s communication with the Attorney General—and corresponding refusal to speak with his counsel—underscores his delusional world view and lack of rationality.

Since the setting of his execution date, Mr. Carruthers has become fixated on holding various attorneys responsible for various perceived injustices committed against him.<sup>53</sup> As Ms. Deaver explains, Mr. Carruthers is focused on these attorneys losing their licenses—to the exclusions of focus on a legal strategy to prevent his execution. Mr. Carruthers continues to believe that he is doing “great” and to scorn his family who are praying for him because he believes that he is shortly to be released and to receive \$3.3 million for every call intercepted by the illegal wiretap that he believes is on the FPD telephone.<sup>54</sup>

Based on the data reviewed, it is my professional opinion, which I hold to a reasonable degree of medical certainty, that Mr. Carruthers is not competent to be executed under the *Panetti* standard. While ideally I would be able to interview him to gauge his current state of mind, his paranoia precludes any such evaluation. Nonetheless, there is voluminous data available to reach my determination. His continued conviction that he will be released imminently, paranoia regarding his attorneys, and his fixation on his entitlement to payments for illogical and delusional claims to the exclusion of concern regarding his execution all are indicators that he is not able to rationally comprehend the connection between his conviction and his impending execution. *Panetti v. Quarterman*, 551 U.S. 930, 960 (2007). As the Supreme Court stated in *Panetti*, “Gross delusions stemming from a severe mental disorder may put an awareness of a link between a crime and its punishment in a context so far removed from reality that the punishment can serve no proper purpose.”

Mr. Carruthers’s mental delusions are of the type and severity that vitiates rational understanding even he is aware of that which he considers a hypothetical execution date. Because Mr. Carruthers’s delusions focus on the legal system itself and distort his

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<sup>51</sup> See, e.g., 20260107\_0910\_9016505824\_1767798611\_5000\_12\_251\_360.wav (telling his sister that he had Earley Story to email Judge Joe Brown and ask him to go down to the Justice Review Unit two days before Christmas and saying he does not know what happened when Brown did so, querying whether Judge Brown went from the Justice Review Unit to the Department of Justice).

<sup>52</sup> Deaver Decl. at # 124, Attachment 81 (email from Courtney Orr); February 11, 2026 email from Sarah J. Stone (with attachments of texts to her personal cell phone).

<sup>53</sup> Deaver Decl. at # 116.

<sup>54</sup> Deaver Decl. at # 117.

understanding of the reasons for his conviction and sentence, these delusions thwart a rational understanding of his impending execution.

**Evaluation of Mr. Carruthers's competence to waive evaluation of his competency.**

Mr. Carruthers also cannot knowingly and intelligently waive his right to be competent to be executed. Because Mr. Carruthers's appreciation of his own mental state is, itself, negated by his mental illness, he cannot rationally evaluate the consequences of such a waiver. He adamantly believes, incorrectly and against mountains of available evidence, that he is not mentally ill. He also believes there is no reason to question his own perception of reality—and thus cannot weigh whether an evaluation pursuant to *Ford/Panetti/Van Tran* is of possible merit. Indeed, because, Mr. Carruthers perceives the threat of execution to be a “scam” intended to coerce him into a legal posture where he will not, in fact, be executed but rather forfeit his right and just compensation for the many violations of his Constitutional rights, Mr. Carruthers has at least 3.3 million reasons to call the State's bluff by irrationally waiving any competency proceeding so as to hasten his remuneration.

Sincerely,

A handwritten signature in black ink that reads "Bhushan S. Agharkar, MD". The signature is written in a cursive, slightly slanted style.

Bhushan S. Agharkar, MD, DFAPA  
Distinguished Fellow, American Psychiatric  
Association  
Diplomate, American Board of Psychiatry  
and Neurology, with Added Qualifications in  
Forensic Psychiatry

# A-076

## APPENDIX A - Documents reviewed by Bhushan S. Agharkar, M.D.

### Juvenile Court Records:

2008 Tony Carruthers' Juvenile Court file relating to the paternity of Toronzo Jones

### Law Enforcement Records:

08/16/1988 Arrest of T. Carruthers for Malicious Mischief  
03/22/1989 Arrest of T. Carruthers for Aggravated Arson, Assault & Battery, Disturbance of the Peace, and Resisting Arrest  
08/16/1988 Carruthers - Record of Arrest  
03/22/1989 Carruthers – Record of Arrest

### Institutional Records:

1985 Tony Carruthers' file from Spencer Youth Center  
08/04/2005 TDOC medical records re: T. Carruthers' suicide watch  
TDOC Institutional and Medical Records received by FPD on 01.09.2026 from Laney Heard via Federal Express  
10/01/2025 – 01/22/2026, 2/10/26 Carruthers recorded phone calls received by FPD from TDOC with transcriptions of the calls  
TDOC Mental Health Screening Reports received by FPD from TDOC on 01.15.2026 from Laney Heard via email

### Expert Records:

06/18/2003 Dr. Pamela Auble's Preliminary Impressions  
11/11/2004 Affidavit and Report by Dr. William Kenner  
12/19/2002 MRI Report by Dr. Robert Kessler  
03/09/2005 Forensic Psychiatric Evaluation Report by Dr. Stephen Montgomery  
Various DVD of Dr. William Kenner's interviews with T. Carruthers  
12/19/2002 CD of MRI imaging of T. Carruthers by Dr. Robert Kessler  
10/21/1994 Records from Dr. John Hutson (pre-trial mental evaluation)  
09/27/2011 Neurobehavioral Assessment T. Carruthers by Ruben Gur, Ph.D

### Transcripts:

04/26/1996 Capital Sentencing Hearing pgs. 2750-2756

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## Misc Records:

- 11/24/1999 Little v. Shelby County – Consent Order Adopting Recommendations of Special Master, Final Order Granting Injunctive Relief as to Conditions in the Shelby County Jail
- 09/12/1996 Little v. Shelby County – Consent Order Stipulating Liability for Injunctive Relief Purposes only; and Establishing Procedure for Remedy
- 12/22/2000 Little v. Shelby County – Opinion Finding Defendants in Contempt of Court
- 11/12/1997 Little v. Shelby County – Order Granting Injunctive Relief to Remedy Unconstitutional Conditions in Shelby County Jail
- 02/27/2019 Madison v. Alabama
- 06/28/2007 Panetti v. Quarterman  
Video TV Interview of T. Carruthers by News Reporter

## Medical Records:

- 02/21/1986 Tony Carruthers Psychological Assessment by Jennifer Williams, P.E. and Pam Alexander, Ph.D.
- 02/12/1983 T. Carruthers admission to St. Joseph Hospital for inguinal hernia and gynecomastia
- 06/08/1989 T. Carruthers hospitalization at Regional Medical Center for threat of self-harm
- 06/24/1989 T. Carruthers hospitalization at Regional Medical Center for cocaine overdose
- 1994 Midtown Mental Health Center records on Tony Carruthers

## Work Product:

- 12/02/2002 Memo of Interviews with Tonya Miller, Jane Carruthers, and Jessie Richardson by April Higuera
- 07/16/2002 Memo of Interview with Jane Carruthers by April Higuera
- 12/26/2002 Social History Timeline by April Higuera
- 11/07/2008 Social History Timeline by Kate Tate
- 12/10/2008 Chronology of T. Carruthers' letters to Judge Dailey
- 12/13/1995 Memo from Carolyn in William Massey's office re phone call from T. Carruthers
- 05/21/2009 Summary of Initial Family History
- 05/22/2009 Social History Timeline
- 06/01/2009 Select Mental Illness Genogram
- 06/01/2009 Full Genogram
- 05/19/2005 Memo from Jim Thomas

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10/17/2006 Memo from Jim Thomas  
11/15/2006 Memo from Jim Thomas  
DE 189-15 Exhibit 113 – Memo by Tate  
2026.01.14 Memo from Samantha Barry summarizing medical records

## **Voicemails from Tony Carruthers to FPD (including transcripts):**

12/05/2025 Message to Deaver  
12/10/2025 Message to Deaver  
12/15/2025 Message to Deaver  
12/18/2025 Message to Deaver  
12/29/2025 Message to Deaver  
01/02/2026 Message to Deaver  
01/12/2026 Message to Deaver  
01/13/2026 Message to Deaver  
01/27/2026 Message to Henry  
01/29/2026 Message to Deaver  
01/30/2026 Message to Henry

## **Writings by Tony Carruthers:**

04/14/2008 Letter from T. Carruthers to Bluff City Jaguar  
1993 Letter from T. Carruthers to Jimmy Maze re: Master Plan  
Unk 2<sup>nd</sup> Letter from T. Carruthers to Jimmy Maze re: Master Plan  
Various 15 pages of T. Carruthers' symbol drawings  
09/03/1997 Letter from T. Carruthers to Judge Dailey  
09/05/1997 Letter from T. Carruthers to Judge Dailey  
09/15/1997 Letter from T. Carruthers to Judge Dailey  
09/16/1997 Letter from T. Carruthers to Judge Dailey  
09/24/1997 Letter from T. Carruthers to Judge Dailey  
09/25/1997 Letter from T. Carruthers to Judge Dailey  
09/29/1997 Letter from T. Carruthers to Judge Dailey  
09/30/1997 Letter from T. Carruthers to Judge Dailey  
10/07/2003 Letter from T. Carruthers to Judge Dailey  
10/10/1997 Letter from T. Carruthers to Judge Dailey  
11/06/1997 Letter from T. Carruthers to Judge Dailey  
11/30/1994 Letter from T. Carruthers to Judge Dailey  
12/11/1995 Letter from T. Carruthers to Judge Dailey  
12/27/1995 Letter from T. Carruthers to Judge Dailey  
Unk Letter from T. Carruthers to Judge Dailey  
11/22/1995 Letter from T. Carruthers to William Massey  
12/05/1995 Letter from T. Carruthers to William Massey  
12/06/1995 Letter from T. Carruthers to William Massey  
12/07/1995 Letter from T. Carruthers to William Massey

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12/07/1995 Letter from T. Carruthers to William Massey  
11/23/1995 Letter from T. Carruthers to William Massey  
12/02/1995 Letter from T. Carruthers to William Massey  
12/05/1995 Letter from T. Carruthers to William Massey  
12/06/1995 Letter from T. Carruthers to William Massey  
12/07/1995 Letter from T. Carruthers to William Massey  
12/07/1995 Letter from T. Carruthers to William Massey  
12/15/1995 Letter from T. Carruthers to William Massey  
12/23/1995 Letter from T. Carruthers to William Massey  
12/23/1995 Letter from T. Carruthers to William Massey  
12/26/1995 Letter from T. Carruthers to William Massey  
12/26/1995 Letter from T. Carruthers to William Massey  
12/23/1995 Memorandum of Complaint against William Massey by T. Carruthers  
12/27/1995 Letter from T. Carruthers to William Massey  
12/27/1995 Letter from T. Carruthers to William Massey  
12/27/1997 Letter from T. Carruthers to Judge Dailey  
09/12/1994 – 12/12/2006 Pro Se Pleadings and Correspondence filed by T.  
Carruthers with the Shelby County Criminal Court Clerk (with index  
of documents)  
10/13/1994-05/05/2008 Correspondence and Complaints by T. Carruthers against  
various people (with index of documents)  
05/13/2009 Letter from T. Carruthers to Kate Tate  
04/30/2009 Letter from T. Carruthers to Henry Martin  
05/01/2009 Letter from T. Carruthers to Kate Tate  
05/01/2009 Letter from T. Carruthers to Henry Martin  
05/07/2009 Letter from T. Carruthers to Kate Tate  
05/13/2009 Letter from T. Carruthers to Kate Tate  
05/19/2009 Letter from T. Carruthers to Kate Tate  
06/09/2009 Letter from T. Carruthers to Kate Tate  
06/09/2009 Letter from T. Carruthers to Kate Tate  
06/13/2009 Letter from T. Carruthers to Kate Tate  
06/13/2009 Letter from T. Carruthers to Kate Tate  
06/22/2009 Letter from T. Carruthers to Kate Tate  
06/23/2009 Letter from T. Carruthers to Kate Tate  
07/01/2009 Letter from T. Carruthers to Kate Tate  
07/04/2009 Letter from T. Carruthers to Ben Leonard  
07/04/2009 Letter from T. Carruthers to Michael Passino  
07/08/2009 Letter from T. Carruthers to Michael Passino  
07/09/2009 Letter from T. Carruthers to Kate Tate  
07/09/2009 Letter from T. Carruthers to Michael Passino  
07/13/2009 Letter from T. Carruthers to Kate Tate  
07/13/2009 Letter from T. Carruthers to Michael Passino  
07/17/2009 Letter from T. Carruthers to Kate Tate  
07/17/2009 Letter from T. Carruthers to Kate Tate

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07/17/2009 Letter from T. Carruthers to Darlene Smith Taylor  
07/23/2009 Letter from T. Carruthers to Kate Tate  
07/23/2009 Letter from T. Carruthers to Kate Tate  
07/23/2009 Letter from T. Carruthers to Kate Tate  
07/23/2009 Letter from T. Carruthers to Michael Passino  
07/23/2009 Letter from T. Carruthers to Amy Harwell  
07/27/2009 Letter from T. Carruthers to Kate Tate  
07/30/2009 Letter from T. Carruthers to Darlene Smith Taylor  
07/30/2009 Letter from T. Carruthers to Kate Tate  
07/30/2009 Letter from T. Carruthers to Kate Tate  
07/30/2009 Letter from T. Carruthers to Kate Tate  
08/03/2009 Letter from T. Carruthers to Michael Passino  
08/13/2009 Letter from T. Carruthers to Darlene Smith Taylor  
08/13/2009 Letter from T. Carruthers to Darlene Smith Taylor  
08/13/2009 Letter from T. Carruthers to Michael Passino  
08/13/2009 Letter from T. Carruthers to Darlene Smith Taylor  
08/13/2009 Letter from T. Carruthers to Kate Tate  
08/13/2009 Letter from T. Carruthers to Kate Tate  
08/13/2009 Letter from T. Carruthers to Kelley Henry  
08/13/2009 Letter from T. Carruthers to Kate Tate  
08/13/2009 Letter from T. Carruthers to Darlene Smith Taylor  
08/13/2009 Letter from T. Carruthers to Darlene Smith Taylor  
04/14/2010 Letter from T. Carruthers to Kate Tate  
04/14/2010 Letter from T. Carruthers to Kate Tate  
04/15/2010 Letter from T. Carruthers to Kate Tate  
04/30/2010 Letter from T. Carruthers to Kate Tate

04/24/2014 Pro Se Correspondence from T. Carruthers  
06/02/2014 Pro Se Correspondence from T. Carruthers re request for IFP  
03/16/2015 Pro Se Correspondence from T. Carruthers  
05/16/2016 Pro Se Correspondence from T. Carruthers  
05/20/2016 Pro Se Correspondence from T. Carruthers  
05/23/2016 Pro Se Correspondence from T. Carruthers  
06/20/2016 Pro Se Correspondence from T. Carruthers  
06/26/2017 Pro Se Correspondence from T. Carruthers  
06/11/2008 Pro Se Complaint by T. Carruthers  
10/16/2008 Pro Se Correspondence from T. Carruthers  
10/27/2008 Pro Se Correspondence from T. Carruthers  
11/07/2008 Pro Se Correspondence from T. Carruthers  
11/17/2008 Pro Se Correspondence from T. Carruthers  
01/15/2009 Pro Se Correspondence from T. Carruthers  
04/21/2009 Pro Se Motion to Proceed by T. Carruthers  
11/15/2012 Pro Se Correspondence from T. Carruthers  
06/03/2016 Pro Se Correspondence from T. Carruthers

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06/03/2016 Pro Se Exhibit 1 – 18 USCS 3006A  
05/19/2016 Pro Se Exhibit - Copy of letter from T. Carruthers to Kelley Henry  
12/30/2009 Pro Se Exhibit – Holland v. Florida  
05/19/2016 Pro Se Exhibit - Copy of letter from T. Carruthers to Henry Martin  
05/19/2016 Pro Se Exhibit - Copy of letter from T. Carruthers to Deborah  
Hampton  
05/19/2016 Copy of letter from T. Carruthers to Sharon Ross  
06/03/2016 Envelope to Chief Clerk Thomas M. Gould  
  
01/02/2026 Letter from T. Carruthers to Satyra Deaver

## **Other legal documents:**

12/19/1995 Verified Motion to Withdraw from Representation of Defendant, Tony  
X. Carruthers, Due to Ethical and Personal Considerations by William  
Massey with exhibits  
01/08/1996 Supplementation of Record in Support of Motion to Withdraw by  
William Massey  
DE 189-2 Exhibit 10 – Declaration of Filderman  
DE 189-3 Exhibit 23 – Declaration of Dorsey  
DE 131 and 132 Kate Tate Declaration with Social History and exhibits  
02/10/2026 Declaration of Richard Tennent  
02/10/2026 Declaration of Kelley Henry  
02/10/2026 Declaration of Amy Harwell  
02/09/2026 Declaration of Casey Swanson  
02/09/2026 Declaration of Satyra Deaver with attachments  
02/13/2026 Petition to Declare Tony Carruthers Incompetent to be Executed with  
Exhibits  
02/11/2026 Email from Asst. AG Sarah Stone  
01/22/2026 Email from Asst. AG Courtney Orr  
  
2014-2017 Pro se pleadings filed in the Sixth Circuit

Pro se pleadings filed in the US District Court for the Western District  
of Tennessee

## **Records of Family Members:**

Correlli Richardson:

2005-2006 Correlli Richardson's Frayser Family Counseling Records  
12/21/2006 Correlli Richardson's DHS Vocational Rehab Records - Discharge  
Summary and Psychiatric Assessment  
12/21/2006 Correlli Richardson's DHS Vocational Rehab Records - Interim Social  
History

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07/20/2006 Correlli Richardson's DHS Vocational Rehab Records - Discharge Summary  
12/14/2006 Correlli Richardson's DHS Vocational Rehab Records - Discharge Summary  
2006 Correlli Richardson's DHS Vocational Rehab Records - Mobile Crisis Disposition Forms  
1999-2003 Correlli Richardson's Juvenile Court File  
1991 Correlli Richardson's Memphis School File  
11/18/2008 Correlli Richardson's Midtown Mental Health Psych Report  
Various Correlli Richardson's Regional Medical Center File

## Arberdella Richardson:

1970-1971 Arberdella Richardson's Special Ed. Records

## Roosevelt Carruthers:

1961 Roosevelt Carruthers' Memphis School File  
Various Roosevelt Carruthers' Regional Medical Center File

## Benita Jones:

02/22/2001 Benita Jones Criminal Clerk File - Frayser Family counseling Center letter  
07/07/1988 Benita Jones Criminal Clerk File - Affidavit of Complaint  
03/21/1988 Benita Jones Criminal Clerk File - Letter from Midtown Mental Health  
06/06/1989 Benita Jones Criminal Clerk File - Letter from Dr. Kington 06/06/89 and subsequent Court orders - psych eval. results / not guilty by reason of insanity  
11/14/1989 Benita Jones Criminal Clerk File - Memphis Mental Health Institute Letter  
06/15/1990 Benita Jones Criminal Clerk File - Midtown Mental Health Center letter  
11/27/1990 Benita Jones Criminal Clerk File - Midtown Mental Health Center letter

## Toranzo Carruthers:

10/28/2000 Toranzo Carruthers' Regional Medical Center File

## **Bhushan S. Agharkar, M.D.**

### **Mailing Address**

**4062 Peachtree Road NE, Suite A-203  
Atlanta, Georgia 30319  
404.939.6636  
agharkarmd@gmail.com**

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### **Professional Experience:**

Agharkar and Associates, July 2005-present  
Atlanta, GA 30319  
Private Practice

Emory University School of Medicine, July 2005-present  
Atlanta, GA 30322  
Adjunct Assistant Professor

Morehouse School of Medicine, August 2005-present  
Atlanta, GA 30310  
Assistant Professor  
Associate Residency Training Director, 2005-2011  
Course Director, *Patient Evaluation and Treatment I and II*, 2005-2013  
Course Director, *Business of Medicine*, 2005-2013  
Course Director, *Forensic Psychiatry*, 2005-present  
Course Director, *Applied Clinical Psychopharmacology*, 2014-2025  
Faculty Advisor, *Resident Journal Club*, 2005-2011  
Member, *Residency Training and Admissions Committee*, 2005-2011

Northwestern Pritzker School of Law, Chicago, IL  
Guest Lecturer, 2024-present

Penn State Law, University Park, PA  
Guest Lecturer, 2024-present

University of California, Berkeley, School of Law, Berkeley, CA  
Guest Lecturer, 2022-present

Columbia Law School, New York, NY  
Guest Lecturer, 2021-present

Mercer School of Law, Macon, GA  
Guest Lecturer, 2020-present

University of Denver School of Law, Denver, CO  
Guest Lecturer, 2019-present

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University of Texas at Austin School of Law, Austin, TX  
Guest Lecturer, 2016-present

Emory University School of Law, Atlanta, GA  
Guest Lecturer, 2015-present

Forefront Behavioral Telecare, 2009-2022  
Founder and Director of Physician Network Development

Georgia Tech Student Health Services, March-May 2007, September  
2008- February 2009  
Atlanta, GA 30313  
Staff Psychiatrist

Georgia State University Student Health Services, August 2007-June 2008  
Atlanta, GA 30303  
Staff Psychiatrist

Skyland Trail, July 2006-January 2007  
Atlanta, GA 30319  
Interim Medical Director

DeKalb Community Service Board, July 2005-February 2007  
Decatur, GA 30031  
Staff Psychiatrist

## **Education:**

Emory University School of Medicine, 2004-2005  
Department of Psychiatry and Behavioral Sciences  
Atlanta, GA 30322  
Forensic Psychiatry Fellowship

Emory University School of Medicine, 2000-2004  
Department of Psychiatry and Behavioral Sciences  
Atlanta, GA 30322  
Adult Psychiatry Residency  
Chief Resident at Emory University Hospitals, 2003-2004

State University of New York Health Science Center at Syracuse,  
1996-2000  
Syracuse, NY 13210  
Doctor of Medicine degree, May 2000

Case Western Reserve University (CWRU), 1993-1997  
Cleveland, OH 44106  
Grade Point Average 3.83 (A= 4.00)

BA in Psychology, senior *in absentia* privilege  
Magna Cum Laude

## **Certification and Licensure:**

Diplomate in Forensic Psychiatry, American Board of Psychiatry and Neurology, 2007, Re-certified 2017  
Diplomate in Adult Psychiatry, American Board of Psychiatry and Neurology, 2005, Re-certified 2015  
Georgia Medical License, 2002  
United States Department of Defense TS/SCI Security Clearance, active  
Certified Mediator, California State University, Sacramento, 2008

## **Research Experience and Publications:**

- “Developmental Impairments in Moral Competence as Mitigation in Capital Cases” Walker, R., Clark, J., Monahan, E.C., Shechet, A., Agharkar, B., Kheibari, A., & Victor, G. [Journal of Behavioral Sciences and the Law 2018; 36:437–456]
- “Traumatic Brain Injury in Criminal Litigation” Stacey Wood, JD, and Bhushan S. Agharkar, MD [84 UMKC L. Rev. 411, Winter 2015]
- “Delusions and False Memories: Roadblocks to Competency to Stand Trial” Lloyd Warford, JD, and Bhushan S. Agharkar, MD [82 UMKC L. Rev. 389, Winter 2014]
- “Advantages of DSM-5 in the Diagnosis of Intellectual Disability: Reduced Reliance in IQ Ceilings in *Atkins* (Death Penalty) Cases” Nancy Haydt, JD, Stephen Greenspan, PhD, and Bhushan S. Agharkar, MD [82 UMKC L. Rev. 359, Winter 2014]
- “Ethnic and Cultural Factors in Identifying Fetal Alcohol Spectrum Disorders” George W. Woods, MD, Stephen Greenspan, PhD, and Bhushan S. Agharkar, MD, Journal of Psychiatry and Law, Spring 2011
- “Improving Cognition and Treatment Outcomes in Schizophrenia” Bhushan S. Agharkar, MD [The Psychiatry Report 2004; 2(1): 24-34]
- “Violence While on SSRIs – a Litigation Perspective” poster presentation at American Academy of Psychiatry and the Law conference, October 22, 2004
- “Prescribing Conventional Antipsychotics at Two Veterans Administration Hospitals: Are There Geographical Differences?” Prakash S. Masand, MD, Monica Arora, MD, Thomas L. Schwartz, MD, Anil Sharma, MD, Xiaohong Wang, MD, Subhash Bhatia, MD, Jacob Manjooran, MD, William Hardoby, MD, Subhdeep Virk, MD, Daniel J. Kuhles, MPH, Bhushan Agharkar, BA, and Sanjay Gupta, MD [CNS Spectrums 2001; 6(11): 894-896]

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- “Prescribing Conventional Antipsychotics in the Era of Novel Antipsychotics: Informed Consent Issues” Prakash S. Masand, Thomas L. Schwartz, Xiaohong Wang, Daniel J. Kuhles, Sanjay Gupta, Bhushan Agharkar, Jacob Manjooran, M. Ahmad Hameed, William Hardoby, Subhdeep Virk, and Bradford Frank. [Am J Ther 2002 Nov-Dec; 9(6):484-7]
- Research Assistant working on the solubilization of the 5-HT<sub>2A</sub> receptor under Brian Roth, M.D., Ph.D., at Case Western Reserve University (20 hrs/wk, fall 1995)
- Summer Research Fellow in Retrovirology lab under Bernard Poiesz, M.D., SUNY HSC at Syracuse (40 hrs/wk, 5/1995-8/1995)
- Research Assistant at CWRU, Department of Neurology, Division of Clinical Research (3-5 hrs/wk, 1993-1994)

## **Presentations:**

- *Trauma and Anxiety in the Primary Care Setting*, Continuing Medical Education lecture, Baptist Health South Florida, Miami, FL, November 15, 2022
- *Stress in the time of COVID-19*, Continuing Medical Education lecture, Baptist Health South Florida, Miami, FL, April 30, 2020
- *Telehealth Modalities to Facilitate Evaluations Globally as well as in Use by Legal Teams for Case Coordination*, International Academy of Mental Health and the Law, Vienna, Austria, July 16, 2015
- *Update on Post-Traumatic Stress Disorder*, Continuing Medical Education lecture, Sixth Annual Mental and Behavioral Health Symposium, Baptist Health South Florida, Miami, FL, March 8, 2014
- *Dealing with the Difficult Patient*, Continuing Medical Education lecture, Primary Care Medicine and Neurology Update for the Primary Care Provider, Chattanooga, TN, June 26, 2010
- *Conflict Prevention and Dispute Avoidance through Teambuilding: Can it be transferred to legal/medical teams?*, International Academy of Mental Health and the Law, New York, NY, July 2, 2009
- *Understanding and Treating Bipolar Disorder*, Continuing Education lecture, Pine River Psychotherapy Associates, Atlanta, GA, October 27, 2008
- *Risk Management Issues in Psychiatry*, Grand Rounds, Morehouse School of Medicine, Department of Psychiatry and Behavioral Sciences, Atlanta, GA, February 27, 2008
- *Suicide and Violence Risk Assessment*, Grand Rounds, Morehouse School of Medicine, Department of Psychiatry and Behavioral Sciences, Atlanta, GA, January 23, 2008
- *Suicide Risk Assessment*, Nepalese Association in Southeast America Convention, Atlanta, GA, September 1, 2007

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- *Schizophrenia*, Continuing Education lecture, United Behavioral Healthcare, Atlanta, GA, September 28, 2006

## **Consultations:**

- Office of Military Commissions, Guantanamo Bay (GTMO)
- United States Department of Defense
- United States Armed Forces
- Department of Corrections, State of Hawaii
- National Law University, Delhi, India
- 392nd District Court of Henderson County, Texas
- The Clemency Project 2014
- City of Little Rock
- Atlanta Journal Constitution
- VICE news
- Georgia State University
- Federal Bureau of Investigation
- Fulton County Sheriff's Department
- Cobb County School District
- Emory University Hospitals
- Georgia Composite State Board of Medical Examiners
- Georgia Tech Athletic Department
- Arizona Medical Board
- Maricopa County Office of the Attorney General
- Middle District of Alabama, Northern Division

## **Professional Society Memberships:**

- American Neuropsychiatric Association
- American Association on Intellectual and Developmental Disabilities
- American Psychiatric Association
- American Academy of Psychiatry and the Law
- Georgia Psychiatric Physicians Association
- American Association of Directors of Psychiatric Residency Training, 2005-2011
- International Academy of Mental Health and the Law
- American Psychological Association, Division 33

## **Awards and Honors:**

- Distinguished Fellow, American Psychiatric Association, 2015
- Fellow, American Psychiatric Association, 2011
- Phi Beta Kappa
- Honorable Mention, The Joe and Hope Skobba Memorial Award Resident Research Competition, 2005
- Emory University Department of Psychiatry Resident Teaching Award, 2004
- State Farm Foundation Scholarship Recipient (through National Merit Scholarship Corporation), 1993-1997

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- Presidential Scholarship Recipient at Case Western Reserve University, 1993-1996
- Psi Chi, National Honor Society in Psychology
- Dean's High Honors List at CWRU, 1993-1996
- Who's Who in American Colleges and Universities, 1996
- USAA All-American Scholar-Athlete, 1995

## **Leadership, Teaching, and Volunteer Activities:**

- Georgia Psychiatric Physicians Association (GPPA) Trustee 2006-2007, 2008-2011
- GPPA Ethics Committee, Member 2007-present
- GPPA Distinguished Fellow Nominating Committee, Member 2016-present
- Review Editor, *Frontiers in Forensic Psychiatry*, 2011-present
- Georgia Composite State Board of Medical Examiners, Peer Reviewer, November 2008-present
- Arizona Medical Board, Outside Medical Consultant, 2019-present
- National Institute of Trial Advocacy Training, Golden Gate University School of Law, San Francisco, California, 2008
- The Center for African Peace and Conflict Resolution, College of Health and Human Services, California State University, Sacramento, CA, Member 2008-present
- National Institute of Trial Advocacy Training, Georgia State Law School, Atlanta, Georgia, 2007
- American Academy of Psychiatry and the Law *Private Practice* Committee, Member 2007-2010
- American Academy of Psychiatry and the Law *Forensic Training of Psychiatry Residents* Committee, Member 2007-2010
- American Academy of Psychiatry and the Law *Early Career Development* Committee, Member 2007-2010
- Skyland Trail, Professional Advisory Board, Member 2006-2009
- GPPA Board of Trustees Public Affairs Committee, Chair 2005-2011
- GPPA Board of Trustees Early Career Psychiatrists Committee, Chair 2004-2011
- GPPA co-representative to the Medicare Carrier Advisory Committee, 2003-2004
- Developed, organized and taught weekly seminar series in psychodynamic psychotherapy for medical students in Emory Psychiatry rotations, 2003-2004
- APA ECP Advocacy/Leadership Fellow, 2004
- Emory MIT Trustee to the GPPA Board of Trustees, 2003-2004
- Emory Psychiatry Residents Political Action Committee, Chair 2002-2003
- Blackwell Science Publications, Reviewer 2001-present
- Judo, Brown belt
- GASP and Better Bodies brand ambassador