

**In the Supreme Court of the United States**

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TONY VON CARRUTHERS,  
APPLICANT

*v.*

KENNETH NELSEN,  
RESPONDENT

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ON APPLICATION FOR STAY OF EXECUTION

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RESPONSE IN OPPOSITION  
TO APPLICATION FOR STAY OF EXECUTION

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## CAPITAL CASE

### QUESTION PRESENTED

“The writ of habeas corpus is an ‘extraordinary remedy’ that guards only against ‘extreme malfunctions in the state criminal justice systems.’” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022) (quoting *Harrington v. Richter*, 562 U.S. 86, 102 (2011)). Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), a federal court may not grant habeas relief to a state prisoner unless the underlying state-court decision (1) “was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States” or (2) “was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.” 28 U.S.C. § 2254(d)(1).

The question presented is whether the United States Court of Appeals for the Sixth Circuit correctly applied AEDPA’s demanding standard to deny a stay of execution based on Tony Von Carruthers’s claim that he is not competent to be executed.

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## INTRODUCTION

Tony Von Carruthers asked this Court to stay his execution to review his competency claim. On Tuesday, the Court denied that stay request and denied review. *Carruthers v. Tennessee*, No. 25-7377, 2026 WL 1392958, at \*1 (U.S. May 19, 2026) (order denying cert.). There is no reason to grant a stay now for the same claim viewed through AEDPA’s “highly deferential” lens. *Cullen v. Pinholster*, 563 U.S. 170, 182 (2011).

As this Court is aware, Carruthers and two other men murdered Marcellos “Cello” Anderson, his mother Delois Anderson, and Fredrick Tucker over thirty years ago. A jury sentenced Carruthers to death. *State v. Carruthers*, 35 S.W.3d 516, 524-32 (Tenn. 2000), *cert. denied*, 533 U.S. 953 (2001). And after decades of exhaustive litigation, the Tennessee Supreme Court then set Carruthers’s execution date for May 21, 2026, and remanded to the trial court for consideration of his ripened claim that he is not competent for execution. *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Sept. 30, 2026) (order setting execution for May 21, 2026).

After a four-day hearing with eight witnesses (including Carruthers) and forty-six exhibits, the trial court denied Carruthers’s incompetence claim. (R.228-15, 30958-79.)<sup>1</sup> The Tennessee Supreme Court affirmed, holding that the trial court “correctly applied the *Panetti [v. Quarterman]* standard to the evidence” and that “the record fully supports and does not preponderate against the trial court’s finding that

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<sup>1</sup> Citations to the district court record are by record entry number and PageID#.

Mr. Carruthers is presently competent to be executed.” *Carruthers v. State*, \_\_\_ S.W.3d \_\_\_, No. W1997-00097-SC-DDT-DD, 2026 WL 1257769, at \*22 (Tenn. May 7, 2026) (for publication). This Court denied certiorari and declined to stay Carruthers’s execution, with no recorded dissents. *Carruthers v. Tennessee*, No. 25-7377, 2026 WL 1392958, at \*1 (U.S. May 19, 2026).

Carruthers then filed a second habeas petition challenging his competency, along with a stay application. (R.225 & 226.) The district court denied that stay request. (R.241, 33262) The Sixth Circuit denied a stay too.

There’s no reason for this Court to take a different course. The question presented is not worthy of this Court’s review; it’s a routine application of AEDPA. So Carruthers seeks splitless, factbound error correction—and there’s no apparent error. Carruthers comes nowhere close to satisfying AEDPA’s standard. The Tennessee Supreme Court’s decision was not “so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Harrington v. Richter*, 562 U.S. 86, 103 (2011). And it does not reflect any “extreme malfunction[] in the state criminal justice system[].” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022) (cleaned up).

This Court should deny a stay of execution.

## STATEMENT

### A. Legal Background

#### 1. Competency for execution

This Court has recognized that there is “a category of defendants” who “defined by their mental state” are “incompetent to be executed.” *Madison v. Alabama*, 586 U.S. 265, 268 (2019) (citation omitted). This is a narrow category. It only applies to a prisoner whose “mental state is so distorted ... that he lacks a rational understanding of the State’s rationale for his execution.” *Id.* at 269.

Determining whether a prisoner falls into that rare group is a question of “fact,” as to whether a prisoner can “reach a rational understanding of the reason for [his] execution.” *Panetti v. Quarterman*, 551 U.S. 930, 948 (2007) (citing *Ford v. Wainwright*, 477 U.S. 399, 411-12 (1986)). This fact-bound question is not an inquiry into that “diagnosis of ... illness,” but rather asks if the prisoner can “rationally understand his punishment.” *Madison*, 586 U.S. at 278.

#### 2. AEDPA deference

Federal courts do not use “habeas corpus review as a vehicle to second-guess the reasonable decisions of state courts.” *Renico v. Lett*, 559 U.S. 766, 779 (2010). Under 28 U.S.C. § 2254(d), review is limited to whether the state-court adjudication is “contrary to, or involved an unreasonable application of, clearly established Federal law” or “resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.” *Id.*

This is an almost impossibly high standard. *See Richter*, 562 U.S. at 103. An “unreasonable application” of federal law only occurs when the state court “identifies the correct governing legal principle in existence at the time” but “unreasonably applies that principle to the facts of the [petitioner’s] case.” *Cullen v. Pinholster*, 563 U.S. 170, 183 (2011) (cleaned up); *see Richter*, 562 U.S. at 103. A state court makes an “unreasonable determination of facts” if the record “compel[s] the conclusion that the [state] court had no permissible alternative but to” reach a contrary conclusion. *Rice v. Collins*, 546 U.S. 333, 341-42 (2006).

Federal courts must accord state-court decisions “substantial deference” under AEDPA. *Brumfield v. Cain*, 576 U.S. 305, 314 (2015). Relief under AEDPA is available only when the state court’s decision was “so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Richter*, 562 U.S. at 103. Relief is unavailable “so long as ‘fairminded jurists could disagree’ on the correctness of the state court’s decision.” *Id.* at 101 (cleaned up). This is a “highly deferential” standard that “demands that state-court decisions be given the benefit of the doubt.” *Pinholster*, 563 U.S. at 181 (cleaned up).

## **B. Factual Background**

In late February 1994, Tony Carruthers and two other men murdered Marcellos “Cello” Anderson, his mother Delois Anderson, and Fredrick Tucker. *Carruthers*, 35 S.W.3d at 524. The men shot Mr. Anderson and Mr. Tucker, beat and strangled Ms. Anderson, and buried all three victims alive with their hands bound

behind their backs in an empty grave at a Memphis cemetery. *Id.* at 527. Their bodies were discovered in early March 1994. *Id.* at 527-28.

### **C. Procedural Background**

#### **1. The Tennessee Supreme Court sets Carruthers's execution after his death sentence survives exhaustive review.**

The Tennessee Supreme Court affirmed Carruthers's three first-degree murder convictions and death sentences on direct appeal in 2000. *Id.* at 572. In the decades since Carruthers has repeatedly challenged his convictions and death sentences in both state and federal courts. His petition under the Tennessee Post-Conviction Procedure Act failed. *Carruthers v. State*, No. W2006-00376-CCA-R3-PD, 2007 WL 4355481, at \*1 (Tenn. Crim. App. Dec. 12, 2007), *perm. app. denied* (Tenn. May 27, 2008). So did his original petition for federal habeas corpus relief. *Carruthers v. Mays*, 889 F.3d 273 (6th Cir. 2018), *cert. denied Carruthers v. May*, 586 U.S. 1146 (2019).

After that exhaustive review, the Tennessee Supreme Court set Carruthers's execution for May 21, 2026, and remanded for the trial court to decide his competency claim. *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Sept. 30, 2025) (Order).

#### **2. The trial court finds Carruthers competent for execution.**

On remand, Carruthers alleged 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. (R.227-5, 20758-801). His petition

attached a February 2026 report from Dr. Bhushan Agharkar, a psychiatrist who evaluated and diagnosed Carruthers with schizoaffective disorder, bipolar type, in 2011. Even though Dr. Agharkar's hadn't conducted a contemporaneous, in-person evaluation for fifteen years, his report concluded: "Mr. Carruthers is not competent to be executed under the *Panetti* standard" because of his paranoia about evaluation, his "continued conviction that he will be released imminently, his paranoia regarding his attorneys, and his fixation on entitlement to payments for illogical and delusional claims to the exclusion of concern regarding his execution." (*Id.* at 20811.)

After a four-day hearing with eight witnesses (including Carruthers) and forty-six exhibits, the trial court entered a twenty-two-page order applying *Panetti* and finding Carruthers competent. (R.228-15, 30958-79.) The court found that Carruthers "has an awareness of and a rational understanding of his conviction and his impending execution," as well as a "rational understanding of the relationship between the conviction and the impending execution." (*Id.* at 30979.) Following *Madison*, the court reasoned that it need not determine Carruthers's diagnosis but must instead "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." (*Id.* at 30974.) The court found that there was no such impediment. Mr. Carruthers understood "why, and the reasons that, the State intends to execute him." (*Id.*)

In support of these conclusions, the trial court found Dr. Agharkar's opinion about Carruthers's incompetence "not well reasoned, [] speculative, and [] based on

inferences not fully supported by the proof.” (*Id.* at 30974-75.) Carruthers, the court found, has acknowledged his pending execution date. (*Id.*) And since the Tennessee Supreme Court set his execution, 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.” (*Id.*) The trial court found that Carruthers knows he is being executed *for* the murder convictions; he simply believes he was wrongfully convicted. (*Id.*) The trial court also relied on its observations of Carruthers’s demeanor in court, noting that he appeared alert and interested, did not appear to be in a manic state, conducted himself appropriately for the entire four-day hearing, addressed the court respectfully, was clear and articulate, and communicated with counsel. (*Id.* at 30976.)

**3. The Tennessee Supreme Court affirms the finding that Carruthers is competent for execution.**

The Tennessee Supreme Court agreed with the trial court’s conclusion that Carruthers is competent. It held the proof established that 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” even though he maintains his innocence. *Carruthers*, 2026 WL 1257769, at \*21. The court further held that Carruthers rationally understands “that his execution is scheduled for May 21, 2026,” and “the reason [why] the State is going to execute him.” *Id.*

The Court first noted the dearth of evidence on Carruthers’s present competency. *Id.* at \*20. “Dr. Agharkar relied on his original [2011] diagnosis, on the

declarations and testimony of prior counsel (and a paralegal), and on various records and audio recordings provided to him by counsel.” *Id.* But prior counsel last communicated with Carruthers in 2023 and 2025, months before the competency hearing. *Id.* Given that lack of recent contact, the court found that former counsel “arguably could not offer informed testimony on the ultimate question of whether Mr. Carruthers meets the *Panetti* standard.” *Id.*

The court also acknowledged Dr. Agharkar’s conclusion that Carruthers is not competent to be executed under *Panetti* but discounted his testimony because Dr. Agharkar admitted that he lacked evidence to properly conclude that Carruthers believes he will be executed to prevent him from getting money and that this conclusion was not in his report. *Id.* at \*21. The court also pointed out that Dr. Agharkar’s other findings turned on an attorney declaration about Carruthers’s beliefs, but Dr. Agharkar did not know when Carruthers had expressed those beliefs. In fact, the attorney in question had not represented Carruthers since 2023. *Id.* The court ultimately decided that “[t]he weight, if any, given to Dr. Agharkar’s report and hearing testimony was solely within the purview of the trial court.” *Id.*

The court further emphasized Carruthers’s testimony, which contradicted his other witnesses *Id.* at \*22. Carruthers testified that his witnesses gave “their words,” not “his words.” *Id.* Carruthers also denied believing that his conviction was a “sham” as testified by prior counsel and repeated by Dr. Agharkar *Id.*

The Tennessee Supreme Court also cited Carruthers’s extensive efforts at exoneration to support the notion 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.” *Id.* For example, “[a]fter his execution date was set, 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.” *Id.* And he “gave no real indication he believes he is going to be released from prison unless he is exonerated.” *Id.*

Finally, in rejecting Carruthers’s argument that “the trial court misapplied the competency standard enunciated in *Panetti v. Quarterman*,” the court explained that 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.” *Id.* The trial court simply “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.” *Id.*

#### **4. This Court denies certiorari.**

After failing to find success in Tennessee’s state courts, Carruthers sought this Court’s review. But the Court denied his certiorari petition from the Tennessee Supreme Court’s decision earlier this week. *See Carruthers v. Tennessee*, No. 25-7377, 2026 WL 1392958, at \*1 (U.S. May 19, 2026).

#### **5. The district court denies a stay of execution.**

On May 15, 2026, Carruthers filed a second habeas corpus petition, seeking federal review of his competency claim, and an application for a stay of execution.

(R.225.) The district court applied AEDPA’s highly deferential review standard and denied a stay for two reasons: (1) Carruthers failed to show a likelihood of success on the merits of his claim and (2) the public interest weighs against a stay. (R.241, 39.) The court ruled that the state court decision was not contrary to or an unreasonable application of clearly established federal law or based on an unreasonable determination of the facts in light of the evidence presented. (*Id.* at 38-39.) The district court reasoned that the state court “identified [and recited] the relevant Supreme Court precedent and the applicable standard for competency to be executed under *Panetti*,” “satisf[ying] the standards in *Ford* and *Panetti*.” (*Id.* at 31-32.) The district court finally concluded that the state court’s competency finding “is not ‘so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fair[-]minded disagreement.’” (*Id.* at 39 (quoting *Richter*, 562 U.S. at 103)). The district court only ruled on Carruthers’s stay application and did not enter final judgment on his underlying second habeas petition.

#### **6. The Sixth Circuit denies a stay.**

The Sixth Circuit denied a stay “[f]or the reasons set out in the district court’s comprehensive order.” *See Carruthers v. Nelsen*, No. 26-5458, Dkt. 8-2 (6th Cir. May 21, 2026).

## REASONS FOR DENYING THE WRIT AND A STAY

This Court grants a stay only upon a showing that there is “a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari,” that there is “a fair prospect that a majority of the Court will vote to reverse the judgment below,” and, in a close case, that the equities favor the granting of relief. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). Neither standard is satisfied here.

This Court already determined that Carruthers’s competency claim is not certworthy under a de novo standard. *Carruthers v. State*, No. 25-7377 (U.S. May 19, 2026) (order denying cert). It’s certainly not certworthy under AEDPA. Carruthers’s seeks simple error correction in the familiar and fact-bound *Panetti*-competency context. But this Court, of course, rarely grants review for error-correction. And the Tennessee Supreme Court’s rejection of this competency claim is not “so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Richter*, 562 U.S. at 103.

After thirty-two years, justice must not be further delayed on account of Carruthers’ exhaustively reviewed and patently meritless competency claim.

### **I. The Application Presents No Certworthy Issue.**

Carruthers application presents an unremarkable attack on the Sixth Circuit’s straightforward application of AEDPA’s highly deferential standard to a state court decision that closely adheres to this Court’s well-established *Panetti* standard. Nothing about the question presented warrants this Court’s review.

This Court grants a writ of certiorari “only for compelling reasons.” Sup. Ct. R. 10. But Carruthers’s application tees up no “compelling reason[]”—from Rule 10 or otherwise—to justify this Court’s review. *Id.* The application does not suggest that the decision below “conflict[s] with the decision of another United States court of appeals on the same important matter” or “conflicts with a decision by a state court of last resort.” Sup. Ct. R. 10(a). It does not claim that the court below “departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court.” *Id.* And it does not argue that the court below “decided an important question of federal law that has not been, but should be, settled by this Court.” *Id.*

With no split of authority and no important federal question, Carruthers’s application amounts to nothing more than a request for simple error correction: Carruthers disagrees with the Sixth Circuit’s reading of a state-court opinion. That is, he thinks the Sixth Circuit wrongly assessed his arguments (1) that the state court unreasonably applied *Panetti* and *Ford* and (2) that the record “compels the conclusion,” as a matter of fact, that he is incompetent.

But this Court’s rules make clear that “certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.” Sup. Ct. R. 10. Many of this Court’s members—both past and present—have similarly emphasized that “[e]rror correction is outside the mainstream of the Court’s functions and not among the ‘compelling reasons’ that govern the grant of certiorari.” *Tolan v. Cotton*, 572 U.S. 650, 661 (2014) (Alito, J.,

joined by Scalia, J., concurring in the judgment) (quoting S. Shapiro, K. Geller, T. Bishop, E. Hartnett, & D. Himmelfarb, *Supreme Court Practice* § 5.12(c)(3), 352 (10th ed. 2013)) (cleaned up). Carruthers’s transparent request for error correction is reason enough to deny his application.

## **II. The Application Lacks Merit.**

Carruthers’s stay application should fail because he has no likelihood of success on the merits of his competency claim, especially when viewed through AEDPA’s “highly deferential” lens. *Pinholster*, 563 U.S. at 182. Federal habeas review of state convictions exists only to guard “extreme malfunction[] in the state criminal justice system[].” *Ramirez*, 596 U.S. at 377 (cleaned up). And Carruthers can show no such thing. The Tennessee Supreme Court’s decision is not “contrary to, or . . . an unreasonable application of, clearly established Federal law.” 28 U.S.C. § 2254(d). Nor is it “based on an unreasonable determination of the facts in light of the evidence presented in the State court.” *Id.* Put simply, to succeed, Carruthers must show that the Tennessee Supreme Court’s rejection of his competency claim was “so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Richter*, 562 U.S. at 103. He cannot—and that ends the inquiry.

### **A. The Tennessee Supreme Court’s decision is not contrary to *Ford* or *Panetti* and does not unreasonably apply that precedent.**

The district court rightly concluded—as affirmed by the Sixth Circuit—that the Tennessee Supreme Court’s rejection of Carruthers’s competency claim was not

contrary to, or an unreasonable application of, clearly established federal law. (R.241, 33253-55.)

The Tennessee Supreme Court identified the relevant U.S. Supreme Court precedent and the applicable standard for competency to be executed under *Panetti* and *Madison*. *Carruthers*, 2026 WL 1257769, at \*8–9. The court recognized that the correct standard is “whether Mr. Carruthers has a rational understanding of the connection or the reason the State intends to execute him.” *Id.* at \*22.

The court also noted that, under *Panetti*, “a prisoner seeking to establish incompetency may not be foreclosed from offering proof to show that mental illness obstructs his rational understanding of his conviction, his impending execution, and the relationship between the two.” *Id.* at \*8 (citation omitted). But the court also acknowledged that *Madison* requires the judge assessing competency to “look beyond any given diagnosis” to determine how that diagnosis affected the prisoner’s understanding of the reasons for his execution. *Id.* at \*9 (citation omitted). And the court assumed for the purpose of argument that Carruthers suffered from a mental disorder and harbored various delusions. *Id.* at \*21. But as was required by *Panetti* and *Madison*, it looked beyond that diagnosis to examine the “downstream consequences.” *Id.* (citation omitted).

The court then reasonably concluded that, although Carruthers professed his innocence, he understood that he had been convicted on three counts of first-degree murder and sentenced to death for each. *Id.* He also understood that he was scheduled to be executed on May 21, 2026. *Id.* Further, the proof showed that

Carruthers rationally understood the reasons for his execution because he knew that the only way he could avoid his fate was if he was exonerated of his crimes and released. *Id.* at \*21-22 (citation omitted).

The Tennessee Supreme Court’s decision was not contrary to *Ford* or *Panetti*, and it did not unreasonably apply either of those decisions. Indeed, this Court denied de novo review two days ago, with no noted dissents. *See Carruthers v. State*, No. 25-7377 (U.S. May 19, 2026). The district court and Sixth Circuit rightly held that Carruthers’s unremarkable AEDPA challenge lacks any likelihood of success.

**B. The Tennessee Supreme Court’s decision is not based on an unreasonable determination of the facts.**

The district court and Sixth Circuit also rightly concluded that the Tennessee Supreme Court’s rejection of Carruthers’s competency claim was not based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.” 28 U.S.C. § 2254(d). The state court record simply does not “compel the conclusion that the [state] court had no permissible alternative but to” reach a contrary conclusion about Carruthers’s competency. *Rice*, 546 U.S. at 341-42.

The Tennessee Supreme Court reasonably concluded that the evidence did not preponderate against the trial court’s factual finding that Carruthers has a rational understanding of the connection or the reason the State intends to execute him. *Carruthers*, 2026 WL 1257769, at \*21.

Indeed, Carruthers's own testimony overwhelmingly supports this conclusion. *Id.* at \*20. And it undercuts the theories he now presents.

Almost uniformly, Carruthers denied having many of the delusions his counsel now allege. First, as to his claim that the State is “playing chicken” with him, Carruthers testified that those were his attorney's words, that his attorney is lying, and that he himself “never had those words.” (R.228-15, 31939-40.) Next, he denied saying that the State tried to coerce him into an *Alford* plea, testifying that “I've never had those words. I've been trying to get exonerated, you understand.” (*Id.* at 31950.) Then, when Carruthers's counsel pressed him about whether the State was trying to kill him to keep him from getting money, he responded, “[T]hese kind of conversations came from your mouth.” (*Id.* at 31950.) And when asked about a conspiracy by the State, Carruthers testified that the State has an ethical duty to address the phone calls about the crime and send evidence to the Board of Professional Responsibility. (*Id.* at 31951.) He said, “That's the only thing I think about them.” (*Id.*) And when asked if the State was executing him for triple murder, not for fraud, Carruthers responded, “That's not true. . . . The Alfredo Shaw fraud happened. The lie saying he ain't no informant, that happened. You can't take that away. You can't take that part out of the equation.” (*Id.* at 31954.)

Carruthers's extensive efforts at exoneration further supported the Tennessee Supreme Court's conclusion 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.” *Carruthers*, 2026 WL 1257769, at \*22. For example,

“[a]fter his execution date was set, 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.” *Id.* at \*19. And he “gave no real indication he believes he is going to be released from prison unless he is exonerated.” *Id.* at \*22.

Finally, the Tennessee Supreme Court reasonably relied on Carruthers’s demeanor during the hearing to affirm the trial court’s competency finding. Specifically, it noted 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. *Carruthers*, 2026 WL 1257769, at \*19. This Court cannot second-guess those findings.

The Tennessee Supreme Court’s decision was not based on any unreasonable determination of the facts presented in state court. Thus, the lower courts thus rightly held that Carruthers’s competency claim lacks any likelihood of success on the merits.

### **C. Carruthers’s contrary arguments fail.**

1. The Tennessee Supreme Court did not “conflate[] Mr. Carruthers’s awareness that the State had scheduled his execution and his awareness of the State’s claimed reason for his execution with a rational understanding.” Stay App. 6. Carruthers cherry-picks a single quote from a single case, *State v. Irick*, 320 S.W.3d 284, 295 (Tenn. 2010), and ignores the bulk of the Tennessee Supreme Court’s

analysis. But AEDPA “instructs [courts] to look for ‘a decision’—not a few words or a stray thought—that was contrary to, or involved an unreasonable application of, clearly established Federal law,” *Rogers v. Mays*, 69 F.4th 381, 392 (6th Cir. 2025) (en banc), not to create a grading system for state-court opinion writing.

Viewing the decision as a whole, it’s abundantly clear that the Tennessee Supreme Court understood and correctly applied the *Panetti* standard. The court noted the trial court’s finding that “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.” *Carruthers*, 2026 WL 1257769, at \*19 (emphasis added). And that finding about Carruthers’s rational understanding has tremendous record support. Since his execution date was set, he “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.” *Id.* He even testified “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.” *Id.* And when asked if he will be executed, Carruthers said he hoped not, since he is trying to get exonerated. *Id.* All of this confirmed both his awareness and his rational understanding. For these same reasons, the Tennessee Supreme Court’s conclusion that Carruthers rationally understands the reasons for his execution is not a “bald conclusion.” Stay App. 8.

2. The Tennessee Supreme Court also did not treat Carruthers’s “delusional beliefs as irrelevant.” Stay App. 8. Rather, the court found that “former counsel could only offer personal opinions of whether Mr. Carruthers continues to hold the same “false” beliefs counsel characterized as ‘delusional.’” *Carruthers*, 2026 WL 1225769, at \*20. And in its own review of Carruthers’s competency, the state appellate court noted that “we (as did the trial court) ‘must look beyond any given diagnosis [or delusion] to a downstream consequence.’” *Id.* at \*21. The Court expressly said, “we give due consideration to the entirety of the testimony regarding “delusions” in our assessment of the ‘downstream consequences.’” *Id.* at \*20 n. 8.

### **III. Equity Weighs Heavily Against a Stay.**

The equities only tip the scales further against a stay.

“[A] stay of execution is an equitable remedy. It is not available as a matter of right, and equity must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Hill v. McDonough*, 547 U. S. 573, 584 (2006). An applicant for a stay of execution must satisfy all the traditional stay factors and therefore must show that there is “a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari,” that there is “a fair prospect that a majority of the Court will vote to reverse the judgment below,” and, in a close case, that the equities favor the granting of relief. *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010) (per curiam).

For the reasons stated above, there is no reason to grant certiorari or reverse the judgment below. The Sixth Circuit correctly applied AEDPA by affording proper deference to the state court’s reasonable and straightforward application of *Panetti*’s established standard for determining competency.

Even setting aside the question of certworthiness, “[l]ast-minute stays should be the extreme exception, not the norm.” *Bucklew v. Precythe*, 587 U.S. 119, 150 (2019) (cleaned up). The State and victims have a “powerful and legitimate interest in punishing the guilty.” *Calderon v. Thompson*, 523 U.S. 538, 556 (1998) (cleaned up). They also “have an important interest in the timely enforcement of a [death] sentence.” *Bucklew*, 587 U.S. at 149 (cleaned up). In Tennessee, crime victims have the constitutional right to “a prompt and final conclusion of the case after the conviction or sentence.” Tenn. Const. art I, § 35. Once post-conviction proceedings “have run their course . . . finality acquires an added moral dimension.” *Calderon*, 523 U.S. at 556. “Only with an assurance of real finality can the State execute its moral judgment in a case” and “the victims of crime move forward knowing the moral judgment will be carried out.” *Id.* “To unsettle these expectations is to inflict a profound injury.” *Id.*

The harm further delay would cause to the family of Carruthers’s victims weighs heavily against a stay. After waiting decades for justice, victim Fredrick Tucker’s father, Andri Steele, has spoken out publicly about his need for closure. *See Father of murder victim speaks out ahead of Tony Carruthers’ execution*, News Channel 3 (May 11, 2026), available at <https://tinyurl.com/mss6t8sx>. After attending

Carruthers's trial and hearing the overwhelming proof against him, Steele is greatly disturbed by the media campaign Carruthers continues to lead from prison. Steele explained, "He can fool the whole public. He can fool everybody. They say free Tony Carruthers. That's what they say on the t-shirt. [T]hey're talking about freeing this murderer. Would you want him on the street to do this to your family?" *Id.*

Finally, the public interest further tips the balance against a stay. "Nearly [thirty-two] years after [Carruthers's] capital sentence . . . both the state and the public have an interest in finality which, if not deserving of respect yet, may never receive respect." *Workman v. Bell*, 484 F.3d 837, 842 (6th Cir. 2007), *stay denied*, *Workman v. Bell*, 550 U.S. 930 (2007).

The Court should deny a stay because Carruthers's meritless application is not certworthy. Denial will also prevent further trauma to the victims' family and will protect Tennessee's grave sovereign interest in the execution of its exhaustively reviewed judgment.

## CONCLUSION

The application for stay of execution should be denied.

Respectfully submitted,

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