

Nos. 26-5696; 26A414
CAPITAL CASE

IN THE
Supreme Court of the United States

CHRISTA GAIL PIKE,
Petitioner,
v.
STATE OF TENNESSEE,
Respondent.

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

REPLY TO THE BRIEF IN OPPOSITION

EXECUTION SCHEDULED SEPTEMBER 30, 2026 AT 10:00 A.M. (Central)

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Welcome to the theatre of the absurd. As the Respondent tells the story, not only is Christa Pike not allowed to bring a methods of execution challenge without going through the Tennessee Supreme Court’s screening rule—which *requires* her to seek a stay of execution—but this Court does not have jurisdiction over her petition because the order from the Tennessee Supreme Court merely denied her motion for stay of execution; and her “underlying method-of-execution suit [] remains pending in the trial court.” (Resp’t’s Br. at 19).

Not true. Misleading. Demonstrably false.

Tennessee Supreme Court Rule 12(4)(E) *requires* prisoners seeking to challenge a state’s method of execution to “commence with the filing of a motion in [the Tennessee Supreme] Court.” (Cert. Pet. at 2). Christa specifically challenged *that* component of the rule:

Before Rule 12(4)(E) was amended, the *sole purpose* of the rule was to lay out the procedures for setting dates of execution and the process by which a stay of execution would be granted. The amendment added a new, substantive procedure for litigating methods of execution challenges. It is reasonable to interpret that addition as creating *two separate* processes: one for seeking stays of execution and one for litigating methods of execution challenges. They both may come into play—and often do. But not every methods challenge that requires fact-finding by a special master will require a stay of execution. Not every request for a stay of execution will require fact-finding by a special master.

(Cert. Pet. Suppl. App. at 002445) (emphasis in original; citations omitted).¹

¹ The brief cited *Carruthers v. State of Tennessee*, Case No. W1997-00097-SC-DDT-DD (Tenn. Jan. 30, 2026) (seeking appointment of a special master to adjudicate a *Brady* claim but *not* a stay of execution) and *Carruthers v. State of Tennessee*, Case No. W1997-0097-SC-DDT-DD (Tenn. May 21, 2026) (seeking an emergency stay of execution during his execution but *not* seeking appointment of a special master).

Now, the Respondent claims that because Christa sought a stay of her execution, the order from the Tennessee Supreme Court is not a final appealable order. Missing from the Respondent's story is any mention of the Tennessee Supreme Court *construing* Christa's Rule 12 Motion as a motion for stay of execution. (Cert. Pet. App. at 000777a) ("Ms. Pike's motion does not expressly request a stay of her execution. But because the motion asks this Court to permanently enjoin state officials from carrying out her execution . . . in the interest of judicial economy we will construe her motion as requesting a stay of execution."). In fact, in its dismissal of Christa's trial court complaint, the Tennessee Supreme Court specifically noted that the "transferred civil complaint is not the equivalent of a Rule 12(4)(E) motion because it does not incorporate the requisite motion for a stay of execution" (Cert. Pet. App. at 000358).

Also missing from the Respondent's story is a citation to anything in the record supporting their contention that Christa's methods of execution suit remains pending in any trial court in Tennessee. Because there isn't any.

These are the demonstrable facts. Christa Pike filed a methods of execution challenge in the Davidson County Chancery Court eight months before her scheduled execution in January 2026. (Cert. Pet. App. at 000001). When, at the Respondent's urging in a motion to dismiss, (Cert. Pet. Suppl. App. at 002407), that court determined it lacked jurisdiction because of Tennessee Supreme Court Rule 12(4)(E), the trial court transferred the case to the Tennessee Supreme Court. (Cert. Pet. App. at 000351) ("For these reasons, the Court hereby ORDERS the Clerk and Master of

the Chancery Court of Davidson County to TRANSFER this case immediately to the Tennessee Supreme Court pursuant to Tenn. Sup. Ct. R. 12.4(E).”). Then, the Tennessee Supreme Court dismissed the case “without prejudice to filing a motion that comports with Tennessee Supreme Court Rule 12(4)(E).” (Cert. Pet. App. at 000357–58). Dismissed means dismissed.

So, trying to figure out Rule 12(4)(E), Christa filed a motion to appoint a special master pursuant to that rule. (Cert. Pet. App. 000359). Because of the vagaries of the rule, she styled her motion as a civil complaint raising claims for relief and pleading alternative methods of execution. (Cert. Pet. App. 000370). *That* is the only methods of execution challenge Christa had pending. *That* is the motion the Tennessee Supreme Court denied extinguishing her claims. *That* is the order that she appeals from now. The Respondent asks this Court to deny Christa any substantive review because of a state court rule that curtails her ability to litigate her challenge in the first instance. That is a classic due process violation. *See Angel v. Bullington*, 330 U.S. 183, 188 (1947) (“The power of a state to determine the limits of the jurisdiction of its courts and the character of the controversies which shall be heard in them is, of course, subject to the restrictions imposed by the Federal Constitution.”); *Brinkerhoff-Faris Tr. & Sav. Co. v. Hill*, 281 U.S. 673, 681–82 (1930) (“[W]hile it is for the state courts to determine the adjective as well as the substantive law of the state, they must, in so doing, accord the parties due process of law.”); *Davis v. Wechsler*, 263 U.S. 22, 24–25 (1923) (states cannot create “unreasonable obstacles” to litigate constitutional claims that are “plainly and reasonably made”).

The Respondent trumpets Tennessee’s so-called “gold standard of due process.” (Resp’t’s Br. at 27). But “all that glistens is not gold.” William Shakespeare, *The Merchant of Venice*, act 2, sc. 7. As explained in Christa’s petition for certiorari, during the rushed, sham proceeding the special master did not meet with the parties until the morning of the hearing and left it up to the parties to determine the schedule of proceedings; when the parties could not agree on a process for discovery, counsel filed a motion to compel limited discovery—it was denied; the special master entered a protective order that favored the Respondent’s overly broad interpretation of the limitations placed on the proceedings; the special master erroneously excluded relevant evidence about post-IV access, the placement of and qualifications required to place a central line as contemplated by the protocol, and the attempted execution of Tony Carruthers; the special master limited the relevant testimony of Dr. Gail Van Norman and Dr. Bethany Brand; he erroneously cast Dr. Joel Zivot’s scientifically supported conclusions as “evasive” or “unsupported,” while fully crediting the scientifically dubious opinions of the Respondent’s expert Dr. Joseph Antognini; he erroneously made adverse credibility findings against Dr. Scott Goldstein even though the Respondent’s expert testified to substantially the same information; and he precluded offers of proof on the evidence he erroneously excluded. (Cert. Pet. App. 001363).

The deliberately limited nature of the proceeding before the special master was especially prejudicial considering the circumstances presented that are likely to induce needless psychological suffering that is certainly superadded “terror, pain, or

disgrace.” *Bucklew v. Precythe*, 587 U.S. 110, 133 (2019). Under Tennessee’s lethal injection protocol, any failure to achieve peripheral venous access will lead to the intervention of a physician employed by the Tennessee Department of Correction (TDOC) for the purpose of placing a central line. (Cert. Pet. App. at 000040, 52). The special master excluded consideration of evidence that the physician employed by TDOC is not competent to place a central line due to his lack of recent experience despite the fact that the execution of Tony Carruthers had to be aborted because the physician had not placed a central line in over ten years and was unable to do so in the execution chamber. The failure to establish peripheral IV access here will cause mental suffering and psychological terror beyond what is necessary to execute Christa. Where allowed, she presented evidence showing that.

Consider the Respondent’s argument in earnest. If, as the Respondent claims, the order from the Tennessee Supreme Court was merely interlocutory in nature, Christa still can challenge the State’s method of execution in some phantom lawsuit pending somewhere. The only problem: the State intends to execute her in less than 48 hours. Nothing gold can stay. Robert Frost, *Nothing Gold Can Stay*, in *New Hampshire: A Poem with Notes and Grace Notes*, 84 (1923).

The remainder of the Respondent’s brief stacks absurd argument upon absurd argument including, in one place, that Christa took “two days to seek relief from this Court—leaving the State even less time to respond.” Again, not true. Counsel received the Tennessee Supreme Court’s denial electronically at 8:50 p.m. on Wednesday, September 23, 2026; Christa filed her petition for certiorari less than 48 hours later,

at 7:06 p.m. on Friday September 25, 2026. The Respondent had *more* time to file its brief than Christa took to file her petition.²

This Court need not weigh into the petty arguments of counsel. But it should consider those arguments within the context of the remainder of the Respondent's brief, which contains inaccuracy upon inaccuracy; fallacy upon fallacy. It should also consider the unconstitutional Sisyphean task that Tennessee Supreme Court Rule 12(4)(E) placed before death-sentenced prisoners in Tennessee. For it “denote[s] a foregone conclusion.” William Shakespeare, *Othello*, act 3, sc. 3.

² In another place, the Respondent points out that Christa waited “a year to file her method-of-execution challenge.” (Resp’t’s Br. at 31, n. 1). In other words, Christa exercised her fundamental constitutional right to challenge the State of Tennessee’s method of execution within the applicable statute of limitations.

CONCLUSION

Christa Pike did not seek delay when she filed her lawsuit eight months ago. Indeed, as the Tennessee Supreme Court reminds, (Cet. Pet. App. at 000358, 777a), she did not even seek a stay of her execution. That extraordinary relief is only required because the procedure set up by the State of Tennessee is no real procedure at all. Because of the dearth of due process in state court, only this Court can grant her that relief now.

Respectfully submitted,

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