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

No. 25-

IN THE
Supreme Court of the United States

TONY VON CARRUTHERS,

Applicant,

—— V.——

STATE OF TENNESSEE,

Respondent.

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

APPLICATION FOR A STAY OF EXECUTION AND EXPEDITED CONSIDERATION OF CERTIORARI PETITION

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit:

Tony Von Carruthers is scheduled to be executed tomorrow, **May 21, 2026, at 10:00 AM CST**. This Court is Mr. Carruthers' last opportunity to access Tennessee's statutory procedures for testing available and untested DNA evidence that could prove Mr. Carruthers' long-maintained innocence, undermine his death sentence, and/or identify an alternative suspect. Mr. Carruthers respectfully requests a stay of his execution pending this Court's disposition of his Petition for a Writ of Certiorari (the "Petition") and expedited consideration of the Petition.

I. JURISDICTION

The Tennessee Supreme Court set Mr. Carruthers' execution for May 21, 2026. Pursuant to Tennessee Supreme Court Rule 12.4(E) and Tennessee law, Mr. Carruthers sought a stay of execution from the Tennessee Supreme Court. Yesterday, the Tennessee Supreme Court affirmed the Shelby County Criminal Court's denial of his request for DNA testing pursuant to Tennessee's Post-Conviction DNA Analysis Act of 2001 (the "DNA Act"). *Carruthers v. Tennessee*, No. W2026-00706-SC-RDM-PD (Tenn. May 19, 2026).[1] The court also denied Mr. Carruthers's request for a stay. Order, *Tennessee v. Carruthers*, Nos. W1997-00097-SC-DDT-DD (Tenn. May 19, 2026).

[1] A copy of the Tennessee Supreme Court's opinion is included in the Appendix to the Petition and is cited as "TSC Op." Mr. Carruthers' Initial Brief to the Tennessee Supreme Court filed May 16, 2026, in the case below is cited as "TSC Br."

Mr. Carruthers's Petition is being filed simultaneously with this Application. This Court has jurisdiction to entertain Mr. Carruthers' Petition and this Application for a Stay of Execution under 28 U.S.C. §§ 1257(a) and 1651(a).

II. BACKGROUND

A. Procedural History of Mr. Carruthers' Case

Thirty years ago, Mr. Carruthers was convicted of three counts of first-degree murder and sentenced to death based only on circumstantial evidence—primarily the testimony of convicted felons and a secretly paid career government informant. *See* TSC Br., at 6-7; *see generally State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000)).[2] There were no eyewitnesses linking Mr. Carruthers to the crime, and no direct evidence has ever liked Mr. Carruthers to the crimes. *See generally Carruthers*, 35 S.W.3d 516. Rather, Mr. Carruthers was *excluded* from fingerprints collected at the crime scene—though the jury never heard about that. (.) And it was a co-defendant who led police to the bodies. (*See* TSC Br., at 4, 7; TSC Op., at 3.)

Mr. Carruthers then "was forced to represent himself" at trial. *Carruthers*, 35 S.W.3d at 552; *see Carruthers v. Mays*, 889 F.3d 273, 290 (6th Cir. 2018) (noting the "troubling" circumstances of Mr. Carruthers' forced self-representation).[3] As a

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[2] In fact, the State's case against Mr. Carruthers was originally dismissed in General Sessions Court for lack of evidence. (*See* TSC Br., at 5.)

[3] If executed, Mr. Carruthers will be the first person in more than 100 years to be executed after being forced to represent himself. Stephen Hale, *Tennessee Man Could Be The First Person in Nearly A Century To Be Executed After Being Forced To Represent Himself At Trial*, The Appeal (Feb. 18, 2020), https://theappeal.org/tennessee-death-penalty/.

result, the jury never heard that Mr. Carruthers was excluded from several fingerprints from the crime scene, or that the State's primary witness was a paid informant.

On direct appeal, the Tennessee Supreme Court affirmed Mr. Carruthers' convictions and death sentences but vacated the convictions and death sentences of his co-defendant, James Montgomery, due to the prejudice inflicted on Montgomery by Mr. Carruthers's forced self-representation. *Carruthers*, 35 S.W.3d at 552. Mr. Carruthers was denied relief in state post-conviction proceedings, where he argued in pertinent part that his (subsequently removed) "trial counsel was ineffective for failing to retain a DNA expert to testify about blood found on a blanket-like cloth at the gravesite that did not match the DNA of any of the victims or any of the three defendants." TSC Op., at 4 (citing *Carruthers v. State*, No. W2006-00376-CCA-R3PD, 2007 WL 4355481, at *38 (Tenn. Crim. App. Dec. 12, 2007), *perm. app denied* (Tenn. May 27, 2008)).

Federal courts denied Mr. Carruthers' petition for writ of habeas corpus. *Carruthers v. Mays*, 586 U.S. 1146 (2019); *Carruthers*, 889 F.3d 273; *Carruthers v. Carpenter*, No. 2:08-cv-02425 (W.D. Tenn. Mar. 31, 2014) (Judgment).[4]

On September 20, 2019, the State of Tennessee moved to set Mr. Carruthers' execution date. State's Mot. Set Execution Date, *State v. Carruthers*, No. W1997-

[4] As of 10:00 a.m. EST on May 20, 2026, Mr. Carruthers has a habeas petition pending in the U.S. District Court for the Western District of Tennessee (No. 08-02425-TLP-cgc) on claims based on *Ford v. Wainwright*, 477 U.S. 399, 411 (1986). He also has an application for second or successive habeas petition pending in the Sixth Circuit on other innocence-related claims.

00097-SC-DDT-DD (Tenn. Sept. 20, 2019). On December 30, 2019, Mr. Carruthers, through counsel, responded in opposition to that motion. Resp. Opp'n Mot. Set Execution Date, *id.* (Tenn. Dec. 30, 2019).[5] On September 30, 2025, the Tennessee Supreme Court scheduled Mr. Carruthers' execution for this week.

B. Post-Trial Developments Undermining Mr. Carruthers' Conviction

Since trial, additional undisputed information and evidence have further undermined Mr. Carruthers' convictions and death sentences. (*See* TSC Br. 8-14.) During pretrial proceedings, counsel for co-defendant Montgomery sought forensic testing on multiple pieces of physical evidence collected from the crime scenes, including one robust male DNA profile on a white blanket that was buried with the victims. *Id.* at 8-9. Significantly, the testing did not reveal any DNA match to Mr. Montgomery or Mr. Carruthers. *Id.* at 9. That unknown male DNA profile on the white blanket was last run through CODIS in 2019, and there were no hits. *Id.* No additional DNA testing has occurred since 2003.

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[5] In his response, Mr. Carruthers asserted his incompetency to be executed and moved the Tennessee Supreme Court to remand the matter for proceedings pursuant to *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999). On September 30, 2025, the Tennessee Supreme Court ordered that Mr. Carruthers' death sentence be carried out on May 21, 2026, and remanded the matter to the convicting court for consideration of Mr. Carruthers' competency to be executed claim pursuant to *Van Tran*. Order, *State v. Carruthers*, No. W1997-00097-SC-DDT-DD (Tenn. Sept. 30, 2025).

After a four-day hearing, the trial court entered findings of fact and conclusions of law and denied Mr. Carruthers relief. On automatic appeal, the Tennessee Supreme Court affirmed and denied Mr. Carruthers' application for a stay of execution. *State v. Carruthers*, No. W1997-00097-SC-DDT-DD, 2026 WL 1257769 (Tenn. May 7, 2026), *cert. denied* No. 25-7377 (May 19, 2026).

As a result of that testing, Mr. Montgomery received an *Alford*[6] plea to reduced charges and sentences. *See id.* at 9-10. While serving his reduced sentence, Mr. Montgomery told federal investigators that Mr. Carruthers was *not involved* in these crimes. *Id.* at 10. Instead, Mr. Montgomery told investigators that he recruited Ronnie "Eyeball" Irving to help him with the crimes. *Id.* at 10. Mr. Montgomery has since been released from prison. *Id.*

Also, after decades of withholding key information, the State *finally* confirmed that Alfredo Shaw, the State's primary witness at trial, was a paid government informant. *Id.* at 11-12. Mr. Carruthers' jury never heard that.

Further, the medical examiner who testified at Mr. Carruthers' trial has disavowed his testimony that the victims were buried alive (*id.* at 10-11; TSC Op., at 3), which prosecutors emphasized at the penalty phase to get the death penalty. (TSC Br., at 7.) The State continued to rely on this false narrative in the case below to argue that Mr. Carruthers did not meet his burden for seeking DNA testing. *Id.* at 11.

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[6] *North Carolina v. Alford*, 400 U.S. 25 (1970).

C. Mr. Carruthers' Years'-Long Quest for DNA Testing Under the DNA Act[7]

Pursuant to the DNA Act, Mr. Carruthers has tried over many years since the Act's passage to obtain testing of available and untested DNA evidence directly connected to the crime scene and has been denied at every turn, often being given the procedural runaround by Tennessee courts. Tennessee enacted the DNA Act for two purposes: "first, to aid in the exoneration of those who are wrongfully convicted and second, to aid in identifying the true perpetrators of the crimes." *Powers v. State*, 343 S.W.3d 36, 51 (Tenn. 2010).

In 2011, Mr. Carruthers, acting pro se, sought DNA testing under the DNA Act "of a vaginal swab [from one of the victims] and a blanket collected from the crime scene." (TSC Op., at 4 (citing *Carruthers v. State*, No. W2012-01473-CCA-R3-PD, 2013 WL 3968787, at *1 (Tenn. Crim. App. Aug. 1, 2013)); *see also* TSC Br., at 15-16.) That request was denied. (TSC Op., at 4.)

In a continuing effort to prove his innocence and identify the true perpetrator before his execution, Mr. Carruthers, in the underlying case, sought DNA testing of several pieces of evidence that are available for testing and have never been

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[7] Mr. Carruthers also sought and was denied access to testing of unidentified fingerprints from the crime scene under Tennessee's Post-Conviction Fingerprint Analysis Act of 2021. (*See* TSC Op., at 4.) After those claims were denied (*id.* at 4-5), Mr. Carruthers filed a § 1983 action in the U.S. District Court for the Middle District of Tennessee: *Carruthers v. Skrmetti, et al.*, No. 3:26-cv-00540 (M.D. Tenn.). On May 15, the district court denied Mr. Carruthers' motion for preliminary injunction and stay of execution, which he appealed to the U.S. Circuit Court of Appeals for the Sixth Circuit, where he also sought a stay of execution: *Carruthers v. Skrmetti, et al.*, No. 26-5433 (6th Cir.). As of 10:00 a.m. EST on May 20, Mr. Carruthers' appeal and motion for stay remain pending at the Sixth Circuit.

tested. (TSC Br., at 18-20.) The items included fingernail scrapings from the victims and bindings used on the victims' bodies, all of which were directly linked to the crime and have a high likelihood of containing DNA from the true perpetrator. *See id.* He also sought further testing of previously tested items, including comparing DNA on the previously tested item to the profile for Ronnie Irving, the person co-defendant Montgomery identified as the true perpetrator. *Id.* at 20. Mr. Carruthers' expert opined that the testing would take approximately two weeks. *Id.* at 18.

Mr. Carruthers, through counsel, first filed the motion in the Tennessee Supreme Court on April 9, 2026—shortly after the undersigned counsel was retained. (TSC Br., at 20-21.) Mr. Carruthers filed the motion in the Tennessee Supreme Court as directed under Tennessee Supreme Court Rule 12.4(E), which provides that collateral litigation after an execution date is set "must commence with the filing of a motion in [the Tennessee Supreme] Court."[8] On April 30, the Tennessee Supreme Court denied Mr. Carruthers' motion on procedural grounds, writing:

> Mr. Carruthers' motion is not well-taken. As the State asserts in its response in opposition to the motion, the December 2025 amendment to Rule 12(4)(E) neither created a new procedural avenue nor granted this Court original jurisdiction to adjudicate an eleventh-hour DNA claim that was not timely pursued via the existing DNA Act. *See* Tenn. S. Ct. R. 12(4)(E) (2025) (authorizing the appointment of a special master when deemed necessary by the Court to conduct fact-finding in pending

[8] The Comments to the Rule state: "Section 4(E) was amended to set forth the procedures for state court collateral litigation potentially affecting the method or timing of execution that is filed after a date of execution is set."

> state collateral litigation that "potentially affect[s] the method or timing" of an impending execution). Accordingly, the motion is DENIED.

(TSC Br., at 21 (citation omitted).)

Mr. Carruthers promptly re-filed his request under the DNA Act in the Criminal Court. While his motion was pending, Mr. Carruthers also filed a *Motion for Order Compelling Disclosure* (the "Motion to Compel") requesting that the Criminal Court require the State to disclose biological standards of Ronnie Irving in its possession, for comparison against existing evidence found with the victims. The State responded the next day.

Almost a week after Mr. Carruthers filed his motion, on May 11 and without a hearing, the Criminal Court denied Mr. Carruthers' requests. (TSC Br., at 21-22.)[9] In its denial, the Criminal Court conceded that Mr. Carruthers established two of the four prongs for establishing a right to testing under the DNA Act—that the evidence is available and suitable for testing (prong 2) and that the testing had not been previously conducted or requested (prong 3). *Id.* at 22. However, the Criminal Court determined that Mr. Carruthers did not establish the other two prongs for either the mandatory or discretionary provisions of the DNA Act, concluding that (1) Mr. Carruthers failed to establish that he would not have been prosecuted, convicted, or received a more favorable sentence if there were exculpatory DNA results (*see* TSC Op., at 10), and (2) Mr. Carruthers failed to show that the DNA Motion was not filed for purposes of delay. *See id.* at 10-11.

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[9] Although the Criminal Court's Order was dated May 11, Mr. Carruthers' attorneys did not receive it until May 12. (TSC Br., at 23.)

On May 12, the *day after* it issued the Order denying Mr. Carruthers' DNA motion, the Criminal Court entered an Order denying Mr. Carruthers' Motion to Compel, writing:

> The Court finds that the motion is not well-taken. First, the Court notes that Mr. Carruthers does not cite any authority supporting his request. Second, the Court denied Mr. Carruthers' [DNA Motion] on May 11, 2026. As such, the Court does not have pending before it a matter in which the biological standard would be relevant. Finally, as referenced in his motion, Mr. Carruthers can seek to obtain the standard through the issuance of a subpoena.

The morning after receiving the Criminal Court's Orders, on May 13, Mr. Carruthers (1) filed a motion to stay his execution in the Tennessee Supreme Court (Mot. Stay Execution, *Carruthers v. Tennessee*, No. W1997-00097-SC-DDT-DD (May 13, 2026)), and (2) appealed the Criminal Court's denial to the Court of Criminal Appeals. The next day, Mr. Carruthers filed his Initial Brief.

On May 15, Mr. Carruthers filed a motion in the Tennessee Supreme Court for that court to assume jurisdiction of his appeal. Mot. Ct. Assume Jurisdiction Pursuant Tenn. Code Ann. § 16-3-201(d), *Carruthers v. Tennessee* (Tenn. May 15, 2021). That motion was granted the same day. On May 16, Mr. Carruthers filed his Initial Brief at the Tennessee Supreme Court. On May 18, the State responded, and late the next day the court issued the decision below.

III. REASONS FOR GRANTING THE STAY

An application for a stay of execution is evaluated under the familiar four factor test that analyzes:

> (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be

> irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

Nken v. Holder, 556 U.S. 418, 434 (2009). For the reasons discussed below, a stay is appropriate here.

A. Mr. Carruthers has shown a reasonable likelihood of success on the merits of his claims.[10]

The arbitrary hurdles erected by the Tennessee state courts to Mr. Carruthers' access to Tennessee statutory procedures for accessing DNA testing afoul of the Due Process Clause of the Fourteenth Amendment as set forth in this Court's precedents, as summarized in the Question Presented in the Petition:

> Whether the Tennessee Supreme Court's imposition of arbitrary procedural barriers—contrary to its own rules and state statutory procedures for post-conviction DNA testing that would either demonstrate the innocence of a capital defendant facing imminent execution or warrant a sentence reduction—deprived Petitioner of the liberty and property interests this Court has recognized in *Skinner v. Switzer*, 562 U.S. 521 (2011), and *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428-31 (1981)?

The Question Presented in Mr. Carruthers' Petition is certworthy and he is likely to prevail on the merits. This Court has recognized the critical importance of DNA in cases like Mr. Carruthers': "DNA testing has an unparalleled ability to both exonerate the wrongly convicted and to identify the guilty." *Dist. Attorney's Office for Third Jud. Dist. v. Osborne*, 557 U.S. 52, 55 (2009). Likewise, as detailed in the

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[10] Under Supreme Court Rule 10, granting a writ of certiorari is appropriate where "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court."

Petition, this Court has explicitly recognized that capital prisoners have a liberty interest in obtaining DNA testing (*see Gutierrez v. Saenz*, 606 U.S. 305 (2025); *Skinner v. Switzer*, 562 U.S. 521 (2011); *Osborne*, 557 U.S. 52) and a property interest in not being arbitrarily denied access to state-created investigatory procedures. *See Logan v. Zimmerman Brush*, 455 U.S. 422 (1982).

A majority of this Court has agreed that capital defendants have a liberty interest in obtaining DNA testing. *See Gutierrez*, 606 U.S. 305 (2025). More recently, at least three members of this Court have expressed concern with procedural obstacles to DNA testing when a prisoner faces imminent execution. *See Reed v. Goertz*, 146 S. Ct. 936 (2026) (Sotomayor, J., dissenting from the denial of certiorari). This case is arguably even more straightforward than *Gutierrez* and *Reed* because it is before this Court on a petition for certiorari from a state supreme court rather than to a federal district court on a § 1983 action. As in *Reed*, it is "inexplicable" why the State of Tennessee "refuses to allow DNA testing" of evidence that is directly related to the underlying crimes "despite the very real substantial possibility that such testing could exculpate" Mr. Carruthers "and identify the real killer." *Id.* at 939.

In light of these expressions of concern by several Justices, and to ensure that the Court gives the Petition due consideration, Mr. Carruthers also respectfully requests that these papers be treated as a motion for expedited consideration of the Petition. *See* Eric M. Freedman, *No Execution if Four Justices Object*, 43 Hofstra L. Rev 639, 655 n. 67 (2015).

The denials of due process to Mr. Carruthers ahead of his scheduled execution are blatant and apparent. Under these circumstances, there is a reasonable likelihood that four members of this Court would vote to grant certiorari.

B. There can be no dispute that Mr. Carruthers will suffer irreparable harm absent a stay.

Mr. Carruthers faces the ultimate deprivation. *See Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (An "execution is the most irremediable and unfathomable of penalties."); *see also Woodson v. North Carolina*, 428 U.S. 280, 305 (1976). There can be no dispute that Mr. Carruthers will suffer irreparable harm unless this Court stays his execution pending disposition of his Petition.

As this Court has recognized for years, "the penalty of death is different in kind from any other punishment imposed under our system of criminal justice." *Gregg v. Georgia*, 428 U.S. 153, 187 (1976). As a result, this Court has also established a need for heightened reliability in death sentences. *See Caldwell v. Mississippi*, 472 U.S. 320, 340 (1985) (quoting *Woodson v. North Carolina*, 472 U.S. 280, 305 (1976)).

Unfortunately, our system gets it wrong sometimes. Richard Glossip had *nine* death warrants and *three* final meals before being granted relief by this Court last year. *See generally Glossip v. Oklahoma*, 604 U.S. 226 (2025) (remanding for vacatur of conviction and new trial). Just last week, after almost thirty years on death row and being just hours from death several times, Mr. Glossip was *released* from prison on bail pending retrial. Jim Vertuno, *Former Oklahoma death row prisoner freed from jail as he awaits retrial in 1997 killing*, Associated Press (May 14, 2026),

https://apnews.com/article/oklahoma-richard-glossip-death-sentence-overturned-execution-93cb95674a05161d219b2a54139d531f.

Mr. Carruthers' case has many similarities to Mr. Glossip's. Both Mr. Glossip and Mr. Carruthers continuously maintained their innocence. *See Glossip*, 604 U.S. at 236. And in both cases, the reliability of the underlying convictions and death sentences eroded after trial. Also in both cases, prosecutors failed to disclose evidence about its main witness at trial (*see id.* at 237-28); here, the State failed to disclose for decades that its primary witness was a paid informant. (TSC Br., at 11-14.)

Mr. Carruthers does not ask to be declared innocent. Nor does he ask to be released from prison. All he asks is for this Court to stay his execution so that this Court can review his meritorious claims, in which he seeks fair access to Tennessee's statutory procedures for testing available DNA evidence. The testing that he seeks will take only two weeks to complete.

C. The public interest lies in ensuring that the State does not end a life without adequate due process.

It is a "fundamental legal principle that executing the innocent is inconsistent with the Constitution." *Herrera v. Collins*, 506 U.S. 390, 419 (1993) (O'Connor, J., concurring). It is equally unconstitutional to execute a person whose sentence is unreliable.

When assessing the traditional equitable factors of the harm to the opposing party and the public interest, "[t]hese factors merge when the Government is the opposing party." *Nken*, 556 U.S. at 435. Undoubtedly, the State of Tennessee has an interest in the enforcement of criminal judgments. *Hill v. McDonough*, 547 U.S. 573,

584 (2006). But Mr. Carruthers seeks a stay of execution so that he can obtain potentially exculpatory DNA testing which will take only two weeks to complete. To proceed with an execution without giving him that opportunity, guaranteed under state law, would be contrary to the public interest. The State's interest in executing Mr. Carruthers is premised upon the enforcement of the judgment and death sentence being lawful. When, as here, a litigant demonstrates that the enforcement of such a judgment would be unconstitutional, the public interest weighs in favor of the party whose constitutional rights will be violated. *United States v. Raines*, 362 U.S. 17, 27 (1960) ("[T]here is the highest public interest in the due observance of all the constitutional guarantees . . . ."). And any harm to the State in delaying Mr. Carruthers' execution is minimal. *Hartman v. Bobby*, 319 F. App'x 370, 371-72 (6th Cir. 2009).

The public has a strong interest in ensuring that the State does not end a life without adequate due process—as it seeks to do here by denying Mr. Carruthers adequate access to statutory procedures that could ultimately demonstrate his innocence.

D. Mr. Carruthers has not delayed in bringing his claim.

Finally, Mr. Carruthers' litigation timeline was dictated not by dilatory conduct on his part, but by the Tennessee Supreme Court's own proceedings, which is are at issue in his Petition. As outlined above, after numerous unsuccessful efforts to obtain DNA testing over many years, Mr. Carruthers filed this most recent DNA motion in the Tennessee Supreme Court on April 9, 2026, as Rule 12.4(E) required.

Had the DNA testing been granted at that time, it would have been completed with *plenty* of time *before* his execution. Indeed, in his April 9 request for DNA testing, Mr. Carruthers did not request a stay of execution because the testing could have been completed in time without delaying his scheduled execution date. (TSC Br., at 41.)

Unfortunately, the Tennessee Supreme Court did not deny Mr. Carruthers' original motion until April 30, 2026—a week after the testing could have been completed if his motion had been promptly granted. Just days later the Tennessee Supreme Court's denial on this arbitrary jurisdictional ground contrary to its own court rule, Mr. Carruthers re-filed the DNA motion in the Criminal Court. Motion for DNA Testing, *Carruthers v. State*, Nos. 94-02797-99, 95-11129 (Tenn. Crim. Ct. May 4, 2026). *Still*, Mr. Carruthers did not ask for a stay because there was still time to complete the testing before the execution date. *Id.*

It was only after the Criminal Court denied the DNA Motion a week later and he filed his Notice of Appeal to the Tennessee Court of Criminal Appeals on May 13 (eight days before his scheduled execution) that Mr. Carruthers filed a motion to stay his execution. *See* Motion to Stay Execution, *Carruthers v. State*, No. W1997-00097-SC-DDT-DD (Tenn. May 13, 2026).

The DNA Motion could not be filed for the purpose of delay where the requested relief could have been achieved prior to Mr. Carruthers' execution date and there was no request to stay or postpone that execution date. Any delay by the Tennessee state courts cannot be held against Mr. Carruthers.

IV. CONCLUSION AND PRAYER FOR RELIEF

Accordingly, Mr. Carruthers respectfully requests that the Court grant this Application, stay his execution, expedite consideration of his Petition, and grant any other relief that the Court may find just.

Respectfully submitted this 20th day of May, 2026.

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Dated May 20, 2026

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