

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/30/2026
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

No. W1997-00097-SC-DDT-DD

ORDER

Tony Carruthers, a death-row inmate scheduled for execution on May 21, 2026, has filed a pleading styled, “Motion for Post-Conviction DNA Testing and Request to Appoint a Special Master Pursuant to Tenn. S. Ct. R. 12.4(E).” In his motion, Mr. Carruthers is seeking the appointment of a special master, pursuant to a December 2025 amendment to Rule 12(4)(E), to adjudicate his request for additional testing under the Tennessee Post-Conviction DNA Analysis Act of 2001 (“DNA Act”). *See* Tenn. Code Ann. §§ 40-30-304, -305 (2024).

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

Further, because the motion is denied, the accompanying motion of Maria DeLiberato, American Civil Liberties Union, to appear *pro hac vice* on behalf of Mr. Carruthers in this matter is also DENIED.

It is so ORDERED.

PER CURIAM