IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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

No. W1997-00097-SC-DDT-DD

ORDER

Thirty years ago, a Shelby County jury convicted Tony Carruthers[1] 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.

[1] 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.
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> 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."
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> 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,[2] 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

[2] 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.
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> 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.
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> 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.[3] 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.[4] 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).[5]

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[3] 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).

[4] 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).

[5] 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.[6]

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).

[6] 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 paranoias 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. Carruther's] 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.[7] 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

[7] 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.[8]

III. Analysis[9]

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

[8] 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.

[9] 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.[10] Mr. Carruthers believes various trial participants (e.g., the assistant district attorney and various attorneys)

[10] 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.[11]

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.

[11] 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