

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

<p>FILED 09/30/2025 Clerk of the Appellate Courts</p>
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STATE OF TENNESSEE vs. TONY CARRUTHERS

Criminal Court for Shelby County
Nos. 94-02797, 94-02798, 94-02799, 95-11128, 95-11129

No. W1997-00097-SC-DDT-DD

ORDER

The State of Tennessee filed a motion to set an execution date for Tony Carruthers, stating that Mr. Carruthers has completed the standard three-tier appeals process and requesting that an execution date be set in accordance with Tennessee Supreme Court Rule 12(4)(A). In his response, Mr. Carruthers asked the Court to deny the motion and to issue a certificate of commutation pursuant to Tennessee Code Annotated section 40-27-106 based on certain enumerated extenuating circumstances.

Upon careful review of the response and supporting documentation, the Court concludes that no “legal reason exists against execution of the sentence” under Tennessee Code Annotated section 40-23-119 and that under the principles announced in *Workman v. State*, 22 S.W.3d 807 (Tenn. 2000), Mr. Carruthers has presented no extenuating circumstances warranting issuance of a certificate of commutation. Accordingly, his request for a certificate of commutation is DENIED.

Mr. Carruthers also raised the issue of his present competency to be executed and requested a competency hearing under *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999). In accordance with the procedures adopted in *Van Tran v. State* and the standard set forth in *State v. Irick*, 320 S.W.3d 284 (Tenn. 2010), the issue is hereby remanded to the Criminal Court for Shelby County, where Mr. Carruthers was originally tried and sentenced, for a determination of his present competency, including the initial determination of whether he has met the required threshold showing. *See Black v. State*, 2025 WL 1927568 (Tenn. July 8, 2025). To ensure the determination of Mr. Carruthers’ competency to be executed occurs in close proximity to his scheduled execution date, the filing requirements established in *Van Tran* are hereby modified as follows: Mr. Carruthers shall file his petition alleging incompetency to be executed in the trial court no sooner than February 11, 2026 and no later than February 13, 2026. In all other respects, the proceedings shall be conducted in accordance with the procedures and timelines set forth in *Van Tran*.

Upon due consideration, the State's motion to set an execution date is GRANTED. Accordingly, under the provisions of Rule 12(4)(E), it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 21st day of May, 2026, unless otherwise ordered by this Court or other appropriate authority. No later than April 21, 2026, the Warden or his designee shall notify Mr. Carruthers of the method that the Tennessee Department of Correction (TDOC) will use to carry out the execution and of any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Tony Carruthers shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM