

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
05/19/2026  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. TONY CARRUTHERS**

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

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**No. W1997-00097-SC-DDT-DD**

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**ORDER**

In 1996, a Shelby County jury convicted Tony Carruthers of the murders of Marcellos Anderson, his mother Delois Anderson, and Frederick Taylor, and sentenced him to death. *State v. Carruthers*, 35 S.W.3d 516, 524 (Tenn. 2000). Over the last three decades, Mr. Carruthers has unsuccessfully challenged his convictions and sentences in state and federal courts. His execution is scheduled for May 21, 2026.

On April 6, 2026, Mr. Carruthers filed an application for a stay during the pendency of his competency-to-be-executed proceedings. By order dated May 7, 2026, this Court denied Mr. Carruthers' application for a stay after affirming the trial court's finding that Mr. Carruthers is competent to be executed. Order, *Carruthers v. State*, No. W1997-00097-SC-DDT-DD, 2026 WL 1257769 (Tenn. May 7, 2026). On May 13, 2026, Mr. Carruthers filed the instant motion asking this Court to stay his execution while he pursues collateral litigation in state and federal courts.

Tennessee Supreme Court Rule 12(4)(E) provides in pertinent part that after an execution date is set, this Court will not grant a stay pending resolution of collateral litigation in federal court. Tenn. Sup. Ct. R. 12(4)(E). Likewise, this Court will not grant a stay of an execution pending resolution of collateral litigation in state court "unless the prisoner can prove a likelihood of success on the merits in that litigation." *Id.*

In his motion, Mr. Carruthers seeks a stay of his execution while he pursues an appeal of the state post-conviction court's judgment denying his last-minute

motion for DNA testing. *Carruthers v. State*, No. W2026-00706-CCA-R3-PD (Tenn. Crim. App. May 13, 2026). He asserts that he has shown a likelihood of success on the merits in that state collateral proceeding. On May 15, 2026, upon the motion of Mr. Carruthers, this Court assumed jurisdiction over the appeal. Order, *Carruthers v. State*, No. W2026-00706-SC-RDM-PD (Tenn. May 15, 2026). Earlier today, this Court filed its opinion affirming the post-conviction court's judgment. *Carruthers v. State*, No. W2026-00706-SC-RDM-PD (Tenn. May 19, 2026). Thus, Mr. Carruthers cannot establish a likelihood of success on the merits in his appeal. Accordingly, his motion for 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.

It is so ORDERED.

PER CURIAM