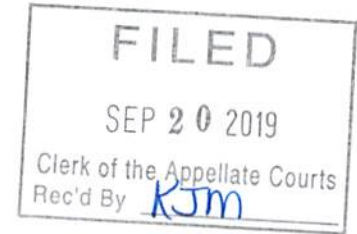


IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE



STATE OF TENNESSEE, )

Movant, )

v. )

Tony V. Carruthers, )

Defendant. )

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

Shelby County Criminal Court  
9402797, 94-02798, 94-02799,  
95-1128; 95-1129

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MOTION TO SET EXECUTION DATE

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As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Tony V. Carruthers. In support of this motion, the State relies on the following:

1. Carruthers was convicted for the 1994 first-degree murders of Marcellos Anderson, Delois Anderson, and Frederick Tucker, and given death sentences for each conviction. This Court affirmed the judgments, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000), *cert. denied*, 533 U.S. 953 (2001).

2. Carruthers filed a petition for post-conviction relief in the trial court in December 2001. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and this Court denied a discretionary 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).

3. Carruthers filed a petition for writ of habeas corpus in the United States District Court for the Western District of Tennessee. On March 31, 2014, the district court denied relief and dismissed the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Carruthers v. Mays*, 889 F.3d 273 (6th Cir. 2018) (reh'g denied, June 26, 2018). The United States Supreme Court denied a petition for writ of certiorari on February 19, 2019. *Carruthers v. Mays*, 139 S.Ct. 1173 (2019). Carruthers did not file a petition for rehearing from the denial of certiorari.

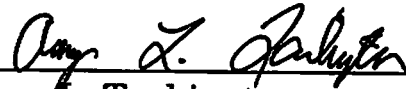
4. Carruthers has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Shelby County, Tennessee.

Respectfully submitted,

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Attorney General & Reporter

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Solicitor General

  
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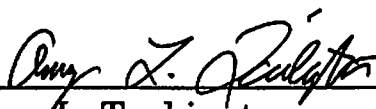
## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20<sup>th</sup> day of September 2019, to the following:

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Amy P. Weirich  
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The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at [Amy.Tarkington@ag.tn.gov](mailto:Amy.Tarkington@ag.tn.gov).

  
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Amy L. Tarkington  
Associate Solicitor General