Exhibit “B”

IN THE CRIMINAL COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION V

TONY CARRUTHERS,
Petitioner,

Nos. 94-02797-99, 95-11129
CAPITAL CASE
Execution Scheduled May 21, 2026

vs.

STATE OF TENNESSEE,
Respondent.

MOTION FOR DNA TESTING PURSUANT TO THE TENNESSEE POST-CONVICTION DNA ANALYSIS ACT OF 2001

Maria DeLiberato, Esq.*
American Civil Liberties Union
201 W. Main St. Suite 402
Durham, NC 27701
(717) 503-2730
mdeliberato@aclu.org

Lucas Cameron-Vaughn, Esq.
TN BPR No. 036284
ACLU of Tennessee
P.O. Box 120160
Nashville, Tennessee 37212
(615) 645-5067
lucas@aclu-tn.org

Melanie C. Verdecia, Esq.*
Quarles & Brady LLP
101 East Kennedy Blvd., Suite 3400
Tampa, FL 33602
melanie.verdecia@quarles.com
(813) 387-0279

ATTORNEYS FOR MOVANT
TONY VON CARRUTHERS

**pro hac vice* forthcoming

STATEMENT OF THE CASE

The State of Tennessee (Respondent) is on the verge of executing Petitioner Tony Carruthers without testing available, probative, and untested physical evidence that could confirm Mr. Carruthers' innocence, which he has maintained for three decades.[1] Through this Motion, Mr. Carruthers seeks access to forensic evidence collected in this case for DNA testing under the Tennessee Post-Conviction DNA Analysis Act of 2001 (the "**DNA Act**") (§§ 40-30-304, 40-30-305, Tenn. Code Ann.).

Mr. Carruthers originally filed a motion for DNA testing under the DNA Act in the Tennessee Supreme Court (the "**TSC**"), on April 9, 2026, pursuant to Rule 12.4(E) because the motion and related litigation may "potentially affect" the timing of his execution scheduled for May 21. However, on April 30, 2026, the TSC issued a three-sentence denial of Mr. Carruthers' motion, stating:

> Mr. Carruthers' motion is not well-taken. As the State asserts in its response in opposition to the motion, the December 2025 amendment to Rule 12(4)(E) neither created a new procedural avenue nor granted this Court original jurisdiction to adjudicate an eleventh-hour DNA claim that was not timely pursued via the existing DNA Act. *See* Tenn. S. Ct. R. 12(4)(E) (2025) (authorizing the appointment of a special master when deemed necessary by the Court to conduct fact-finding in pending state collateral litigation that "potentially affect[s] the method or timing" of an impending execution). Accordingly, the motion is DENIED.

A true and correct copy of the Order is attached as **Exhibit 2**.

Despite the TSC's Order, Mr. Carruthers maintains that filing his request in the TSC was appropriate under Rule 12(4)(E) and that, in doing so, he followed the appropriate and available state court remedy to seek this testing. Nevertheless, in light of the TSC's Order, Mr. Carruthers now files this request in this Court and asks for an expedited ruling. This Court can and should grant Mr. Carruthers' request without the need for an evidentiary hearing. However, should this Court determine

[1] A true and correct copy of the Order setting Mr. Carruthers' execution is attached as **Exhibit 1**.

that there are factual matters of dispute, Mr. Carruthers requests an evidentiary hearing to address any factual issues.

STATEMENT OF THE FACTS

I. Mr. Carruthers' conviction and death sentence are based on circumstantial evidence, including the testimony of convicted felons and paid informants.

On the night of February 24, 1994, Marcellos "Cello" Anderson, his mother Delois Anderson, and Frederick Tucker disappeared. *State v. Carruthers*, 35 S.W.3d 516, 524 (Tenn. 2000). After Ms. Anderson was reported missing, on March 3, 1994, the victims' bodies were found in a grave in a Memphis cemetery. *Id.* Their bodies were on top of one another, underneath a piece of plywood that was underneath a casket. Marcellos Anderson's hands were bound behind his back with cloth ties. Frederick Tucker was also bound with cloth ties at his hands and feet. Delois Anderson had two red socks knotted together wrapped around her neck, and one arm was tied behind her back with a pair of knotted pantyhose. (1996 Trial Tr., Vol. 13, pp. 1864-67, attached as **Exhibit 3**.)

The State believed Ms. Anderson's home was the scene of the kidnapping because Ms. Anderson did not take her purse with her, someone answered the phone when her niece telephoned the residence but failed to speak, and a half-eaten meal was found in Ms. Anderson's bedroom. Police collected multiple latent prints suitable for comparison from Ms. Anderson's house, including prints from the doorknobs and the phone receiver.

The State's case against Mr. Carruthers was originally dismissed in General Sessions Court for lack of evidence. (Docket and news article showing dismissal of charges, attached as **Exhibit 4**). The State was only able to secure an indictment and proceed with its case against Mr. Carruthers after it enlisted the services of a career snitch named Alfredo Shaw, who testified to Mr. Carruthers' purported confession. (Crimestoppers Report (April 3, 1994), attached as **Exhibit 5**.)

In the words of the investigating officer, without Shaw's "information and his testimony in Grand Jury Carruthers would have been released." *Id.* A true and correct copy of Shaw's grand jury testimony is attached as **Exhibit 6**.

Indeed, the State's original theory of prosecution was based on Mr. Shaw's grand jury testimony that two brothers, Jerry and Terry Durham, hired Mr. Carruthers to commit the murders for $100,000 and a kilogram of cocaine. (*See* Ex. 6.) But before trial, Mr. Shaw recanted his grand jury testimony in a TV news statement where he confessed that the police paid him to testify against Mr. Carruthers. *See* Resp. Mot. to Set Execution Date, *State v. Carruthers*, No. W1997-00097-SC-DDT-DD, (Dec. 30, 2019), attached as **Exhibit 7**, at Ex. 5 (Alfredo Shaw, Interview with Channel 13 News (Fox 13), in Memphis, TN. (Feb. 28, 1996) (transcript)) & Ex. 9 (video).

The State's ultimate theory at trial was that Mr. Carruthers, along with his co-defendants, James and Jonathan Montgomery kidnapped Marcellos Anderson to rob him. *Carruthers*, 35 S.W.3d at 524. Marcellos Anderson was "heavily involved in the drug trade" and known to carry large amounts of cash and valuables. *Id.* It was Jonathan Montgomery who led authorities to the bodies in the grave, which led police to the involvement of his brother James. Jonathan was found hanged in his cell prior to trial. *Id.* at 524 n.2. Jonthan gave inconsistent statements to police from the beginning, but after several unrecorded interrogation breaks and across multiple days, Jonthan ultimately told police that he, James, and Mr. Carruthers were present at the gravesite when the victims were killed, but that neither James nor Mr. Carruthers killed anyone. Instead, Jonathan told police it was a man named Bobby Wilson who was the actual killer.[2] (*See* Jonathan Montgomery Statements, attached as **Exhibit 8**.)

[2] At a motion to suppress Jonathan Montogmery's statements, Memphis Police Sgt. Roleson testified that Mr. Wilson was wanted for a different Memphis homicide, the January 19, 1994

No forensic evidence linked Mr. Carruthers to the crime. *See Carruthers*, 35 S.W.3d at 523-72. There were no eyewitnesses to the murder. *Id.* The fingerprints collected from Ms. Anderson's house, which included six unidentified prints, excluded Mr. Carruthers and Mr. Montgomery.[3]

At trial, the prosecution's case rested almost entirely on the testimony of convicted felons and paid informants. Jimmy Lee Maze Jr., "a convicted felon," testified that he had received two letters from Mr. Carruthers about a "master plan" to "make those streets pay me." *Carruthers*, 35 S.W.3d at 524. Mr. Maze then recounted a conversation he purportedly had with Mr. Carruthers discussing plans for the kidnapping. *Id.* Charles Ray Smith testified that Mr. Carruthers had commented to him, while working together on a prison work detail in a cemetery, that hiding a body under the grave of another would be a good way to dispose of a corpse. *Id.*

Finally, Mr. Shaw testified that Mr. Carruthers confessed to him. *Id.* at 528-29. Mr. Shaw's testimony was the only putative "confession" in this case. While Shaw is a career snitch, the jury did not hear that at trial (as discussed more below).

The State's remaining evidence against Mr. Carruthers was circumstantial at best. For example, Nakeita Shaw testified that she witnessed Mr. Carruthers and James Montgomery at her home on the night of the kidnappings. *Id.* at 526. Without more, however, this testimony did little

---

shooting death of Marlin Webb and that he believed Wilson was on the run at the time of the murders. (Motion to Suppress Transcript (Dec. 15, 1994, attached as **Exhibit 9**, at 39.)

[3]In 2022, the Memphis Police Department ran the unidentified prints in AFIS. (*See* Latent Fingerprint Report (Jan. 24, 2022), attached as **Exhibit 10**.) One print on the northwest bedroom door matched Ms. Anderson's niece, but there still remain six unidentified prints.

In addition to requesting testing under the DNA Act, Mr. Carruthers also requested testing under Tennessee's Post-Conviction Fingerprint Analysis Act of 2021. After the state court denied that claim, Mr. Carruthers filed a lawsuit in federal court related to that denial. Those claims remain pending in *Carruthers v. Skrmetti, et al.*, No. 3:26-cv-00540 (M.D. Tenn.).

to inculpate Mr. Carruthers; it has never been asserted that Mr. Carruthers was unacquainted with the Montgomery brothers. Likewise, Chris Hines' testimony that Jonathan Montgomery beeped him and said "[m]an, a n——r got them folks," apparently meaning "Cello and them" (*id.* at 526), also does not inculpate Mr. Carruthers but only shows that Jonathan Montgomery had knowledge of the murders, which he clearly did since he led police to the bodies.

Mr. Carruthers was forced to represent himself at trial. The jury never heard any evidence about the fingerprints from Ms. Anderson's house—either that there were unidentified prints or that Mr. Carruthers and Mr. Montgomery were excluded from the prints.

Both James Montgomery and Mr. Carruthers were convicted and sentenced to death. On direct appeal, the Tennessee Supreme Court found that James Montgomery was so prejudiced by Mr. Carruthers' forced self-representation that Mr. Montgomery was entitled to a new trial. *State v. Carruthers*, 35 S.W.3d 516, 553-54 (Tenn. 2000) (reversing Montgomery's conviction and death sentence because "the record demonstrates that Montgomery was severely prejudiced by Carruthers' self-representation").

II. In the decades since Mr. Carruthers' conviction and death sentence, the circumstantial evidence against him at trial has been further undermined.

A. Testing conducted on significant physical evidence prior to James Montgomery's re-trial affirmatively excluded Mr. Carruthers.

As part of his re-trial proceedings, Mr. Montgomery sought forensic testing on multiple pieces of physical evidence collected from both crime scenes. Testing revealed critical information. (Aff. Alan Keel (April 6, 2026), attached as **Exhibit 11**, at Attachment 2 [hereinafter Keel Aff.].)

First, the testing did not reveal any DNA matches to Mr. Montgomery or Mr. Carruthers. A majority of the samples were either too small to produce a profile under 2003 technology, were inconclusive, or matched the victims. However, there was one robust male profile on a white

blanket that was buried with the victims. *Id*. Mr. Carruthers, Mr. Montgomery, and the male victims were excluded as a source of the DNA. The unknown male profile was suitable for upload into the Combined DNA Index System (CODIS) database. The last report Mr. Carruthers obtained, through a request under James Montgomery's case, was in 2019 and indicated that there were no hits in CODIS. (2019 CODIS Report, attached as **Exhibit 12**.)[4] No additional DNA testing has occurred since 2003, and to the best of Mr. Carruthers' knowledge, the unknown male profile has not been analyzed or compared since 2019.

B. For decades, the State concealed Alfredo Shaw's status as a paid government informant.

For thirty years, the State withheld information from Mr. Carruthers and his defense team about Alfredo Shaw's status as a paid government informant. It did so despite repeated requests from Mr. Carruthers and his team for exculpatory and impeachment materials. The State's concealment of Mr. Shaw's status began as soon as Mr. Carruthers' prosecution commenced and continued in the years following his trial, as evidenced by the State's repeated failures to disclose any information about Mr. Shaw's history as an informant. *See, e.g.*, Defense Suppl. Mot. Disc. & Inspection (June 8, 1994), attached as **Exhibit 14**; State's Resp. Mot. Discovery (Sept. 29, 1994), attached as **Exhibit 15**; Mot. Disc. Impeaching Info. (Jan. 31, 1996), attached as **Exhibit 16**; Resp. State Mot. Disc. Impeaching Info. (Sept. 29, 1994), attached as **Exhibit 17**.

And before Mr. Carruthers' trial, Mr. Shaw went to the media and admitted that his grand jury testimony was false and given only as a result of pressure and payment from the State Attorney

[4] In the wake of the release of the DNA results, the State offered and Mr. Montgomery accepted an *Alford* plea to a reduced charge of three counts of second-degree murder. *See North Carolina v. Alford*, 400 U.S. 25 (1970). Mr. Montgomery was sentenced to concurrent 27-year sentences on each count and was released in 2016 (James Montgomery Plea Form and Transcript, attached as **Exhibit 13**.)

and law enforcement. *See* Ex. 6, at Ex. 5 (Alfredo Shaw, Interview with Channel 13 News (Fox 13), in Memphis, TN. (Feb. 28, 1996) (transcript)) & Ex. 9 (video). Not only would Mr. Shaw's position as an informant have gone to his bias, but his recantation directly undermines the State's case against Mr. Carruthers.

At trial, Mr. Carruthers, forced to act as his own counsel, called Mr. Shaw to the stand to admit his recantation from the media interview. Before Mr. Shaw took the stand, the trial court called in Mr. Shaw's counsel and, in open court, cautioned that if Mr. Shaw repeated his recantation then the State "plan[ned] to seek indictments for aggravated perjury in both . . . instances." (1996 Trial Tr., Vol. 14, p. 2128, attached as **Exhibit 18**.) After meeting with his client, Mr. Shaw's lawyer reported that Mr. Shaw would "testify that what he has testified before was all true and correct." *Id*. at 2136. Indeed, on the stand, Mr. Shaw repeated for the jury the "confession" that Mr. Carruthers purportedly gave him—which he had previously recanted to the media. (1996 Trial Tr., Vol. 15, pp. 2174-78, attached as **Exhibit 19**.) Mr. Carruthers attempted to ask if Mr. Shaw was a paid informant, but the prosecutor successfully objected and kept the jury from learning the truth. *Id*. at 2254.

In post-conviction, through counsel, Mr. Carruthers continued his quest to prove that Mr. Shaw was a paid informant for the State. Attached as **Composite Exhibit 20** are three letters from Mr. Carruthers' post-conviction counsel, Charles R. Ray, to John W. Campbell, Assistant District Attorney in August 2002 requesting such information. On September 12, 2002, Mr. Carruthers, through post-conviction counsel, filed a *Motion to Compel the State to Reveal All Agreements, Renumeration, Or Other Consideration Given To The State's Witnesses* (attached as **Exhibit 21**). In its response (attached as **Exhibit 22**), the State denied giving Mr. Shaw a deal but parsed carefully its denial of payment to Mr. Shaw:

> [T]he State again submits that Shaw was not given any deal in exchange for his testimony. Furthermore, the State submits that Shaw was not a 'paid government agent' planted in the jail to obtain evidence against petitioner.

(Ex. 22, at 1.)

Concerned regarding the State's equivocations, on November 25, 2002, post-conviction counsel filed a second Motion to Compel specifically as it related to Mr. Shaw (attached as **Exhibit 23**). The post-conviction court ordered that the State file a written response "divulging whether Alfredo Shaw was or was not a paid government agent for either the county, state, or federal government during the time period he had conversations with petitioner in the Shelby County Jail." (Order (Dec. 3, 2002), attached as **Exhibit 24**, at 1.) The State's response filed December 10, 2002 (attached as **Exhibit 25**), asserted that Mr. Shaw "was not a 'paid government agent' planted in the jail to get a statement from the petitioner. . . . The State does not understand why another Response is necessary." (Ex. 25.) The State doubled down on this answer in a January 7, 2003, letter from Mr. Campbell to Mr. Ray (attached as **Exhibit 26**):

> I thought this matter was resolved by my earlier response. But just in case [sic], **I have talked to the prosecutors who tried your client and neither is aware of any situation where Alfredo Shaw acted as a paid informant for anybody. . . I do not know how much clearer I can be on this topic.**

(Ex. 26 (emphasis added).)

Over the ensuing decades, Mr. Carruthers' counsel continued to request documents related to Mr. Shaw's work as a confidential informant through Tennessee Public Records requests, Freedom of Information Act requests directed to federal law enforcement agencies, and through discovery in federal habeas proceedings. Copies of these requests are attached as **Composite Exhibit 27**.

Finally, on May 9, 2024—almost three decades after Mr. Carruthers' trial—the Shelby County Criminal Court, Division V, ordered the Memphis Police Department to provide

information regarding Mr. Shaw's employment as a confidential informant to the Shelby County District Attorney's Justice Review Unit. (Agreed Order Directing Memphis Police Dep't Release Data Regarding Alfredo Shaw Shelby Cnty. Just. Rev. Unit (May 9, 2024), attached as **Exhibit 28**.) On August 6, 2024, Assistant District Attorney Kevin Rardin provided Mr. Carruthers' counsel with more than 20 pages of information regarding Mr. Shaw's employment as a confidential informant (attached as **Exhibit 29**). The documents included signed confidential agreements between Mr. Shaw and law enforcement dating back to mid-1980s and ledgers of payments to Mr. Shaw continuing until at least 2003. (*See generally* Ex. 29.)

C. The medical examiner's trial testimony that the victims were buried alive has been proven false.

At Mr. Carruthers' trial, medical examiner Dr. O.C. Smith testified that the victims were buried alive. *Carruthers*, 35 S.W.3d at 527. The State then used this narrative in its penalty phase arguments to emphasize the purported "wicked" and "atrocious" nature of the crime. A true and correct copy of an excerpt of the prosecutor's penalty phase argument is attached as **Exhibit 30**.

However, there was no scientific basis for the conclusion that the victims were buried alive. (Testimony of Dr. Cleland Blake & Dr. George Nichols, attached as **Exhibit 31** (post-conviction expert testimony that there was no scientific basis for Dr. Smith's trial testimony).) Even Dr. Smith himself has subsequently disavowed his own testimony from Mr. Carruthers' trial. (Aff. Dr. O.C. Smith (April 3, 2007), attached as **Exhibit 32** ("I will no longer sustain an opinion, as I did in my original testimony, that to a reasonable degree of medical certainty, the victims were in fact alive at the time they were buried beneath the coffin.").) Yet, the State perpetuates this false narrative—to this day. *See* State's Br., *Carruthers v. State*, No. W2026-00226-CCA-R3-PD (Tenn. Crim.

App. Mar. 23, 2026), at 9 ("[T]rial testimony established that they had all died of injuries associated with being buried alive.").[5]

D. In 2010, James Montgomery gave a statement exonerating Mr. Carruthers and inculpating Ronnie Irving.

In 2010, James Montgomery, while serving his reduced sentence (*see supra* note 4), gave a statement to an investigator with the Capital Habeas Unit that he kidnapped two of the victims and dispatched Ronnie "Eyeball" Irving to kidnap Ms. Anderson. He confirmed to the investigator that Mr. Carruthers was not involved in the kidnapping or the murders. Mr. Irving was murdered in 2002, and his fingerprints and a DNA sample are on file at the medical examiner's office. To date, the unidentified physical evidence—the latent fingerprints or unknown male DNA profile—has not been compared to Mr. Irving. *See supra* note 3.

Mr. Carruthers has tried to obtain DNA testing throughout the three decades since his trial. In state post-conviction, Mr. Carruthers argued that his counsel was ineffective during pre-trial litigation for failing to retain a DNA expert, who would have testified: (1) DNA was available on blood found on "blanket-like cloth"; and (2) the DNA did not belong to the victim or any of the three co-defendants. *See generally Carruthers v. State*, No. W2006-00376-CCA-R3PD, 2007 WL 4355481 (Tenn. Crim. App. Dec. 12, 2007). At an evidentiary hearing, Mr. Carruthers presented expert testimony:

> Todd Bille, accepted as an expert in forensic DNA analysis, testified that, in November 2002, he was hired by codefendant James Montgomery to serve as

[5] To this day, public perception of this case is shaped by the mistaken belief that Mr. Carruthers buried the victims alive. *See, e.g.*, Evan Mealins, *Tennessee Supreme Court sets 2026 execution dates for Christa Pika, three others*, The Tennessean (Oct. 1, 2025), https://perma.cc/VG3H-KZ72 (claiming Carruthers was convicted of "burying alive three people"); WREG Staff, *Memphis man convicted of triple murder goes from death row to freedom*, WREG (Sept. 26, 2016), https://wreg.com/news/memphis-man-convicted-of-triple-murder-goes-from-death-row-to-freedom/ (recounting co-defendant Montgomery's release from prison and conviction for burying the victims alive).

> an expert in his case. Bille was asked to examine evidence to determine if there could be potential biological fluids and whether DNA analysis could be performed. Bille examined a total of nineteen items, including Marcellos Anderson's socks, pants, shirt, underwear and belt; Tucker's socks, jeans, belt, shirt, and boots; Delois Anderson's dress and underwear; an unidentified red sock; ties or bindings from Tucker; and a section of a white cloth blanket. From the testing done on these items, Bille prepared a summary report in June 2003 and a final report on March 17, 2005.
>
> Bille reported that samples from the white blanket did not match the DNA of any of the victims, the petitioner, or the codefendants. Bille commented that the tests performed on the white blanket could not have been performed at the time of the trial, but similar tests could have been performed with the same results.

Id. at *33.

The post-conviction court Mr. Carruthers' claim, concluding that this testimony and the DNA results "are only very minimally helpful to the petition. In no ways does this evidence negate all other proof in the case and it is rank speculation to assume that this indicates that a third party might have committed this crime." *Id.* at *38.

Mr. Carruthers next moved *pro se* in 2011 to reopen state post-conviction proceedings under the DNA Act, seeking testing of the vaginal swab and blanket from trial, using a pre-printed form. Mr. Carruthers sought testing under only the mandatory provisions of the DNA Act. § 40-30-304. Tenn. Code Ann. The State opposed the testing, arguing that while the DNA sample from the blanket did not match any of the codefendants, it had been uploaded to CODIS as of April 2012 and there were no hits.

The post-conviction court dismissed Mr. Carruthers' motion, relying on the 2007 ruling in his post-conviction case that the DNA testing "has already occurred, and the results are only minimally helpful to Petitioner." *Carruthers v. State*, No. W2012–01473–CCA–R3–PD, 2013 WL 3968787, at *3 (Tenn. Crim. App. Aug. 1, 2013) (quoting *Carruthers*, 2007 WL 4355481, at *38). The Court ruled that Mr. Carruthers did not meet the statute's requirement for mandatory testing because a "new CODIS match might identify the depositor of the biological material on the blanket

but could not prove that it was deposited at a time contemporaneous with the crime for which Petitioner was convicted." *Id*. at *4.

III. Pursuant to the DNA Act, Mr. Carruthers seeks testing of several pieces of evidence.

A. Items that Have Never Been Tested

First, Mr. Carruthers seeks the DNA testing of items, which are still in existence and which have never been subjected to DNA testing: (1) fingernail scrapings from Marcellos Anderson, Frederick Tucker, and Delois Anderson;[6] (2) the bindings of Marcellos Anderson;[7] and (3) the bindings of Delois Anderson, which include knotted pantyhose around her hand and the red socks knotted around her neck.[8] Criminalist and DNA expert Alan Keel concludes that it is likely each of these items "bear transfer biology from whomever bound the victims." (Keel Aff., at 6.) New advances in DNA testing and analysis create a likelihood that testing will provide investigative leads to answers far beyond the unanswered question of whose blood was on the blanket. *Id.* at 2.

Mr. Keel has conducted DNA testing in hundreds of cases in over 36 states and has reviewed the records related to the prior testing in this case conducted by the Tennessee Bureau of Investigation and Bode Technology Group. *Id.* at 1-2. Because of revolutionary advances in forensic DNA testing, analysis today can lead to highly discriminating DNA profiles from

---

[6] These are in the custody of the Shelby County Medical Examiner.

[7] These are packaged, sealed, and in the custody of the Shelby County Criminal Court Clerk under evidence number E-C94-586;15305 ("Marcellos Anderson, cloth ties, knotted").

[8] These are separately packaged, sealed, and in the custody of the Shelby County Criminal Court Clerk under evidence number C-C94-588;15305 and 15305a ("Delores (sic) Anderson knotted pantyhose", "dirty red sock", and "bloody red sock"). The red sock listed as "bloody" (15305a) was tested in 2003 and revealed a weak unknown profile from a bloodstain, but it appears that the mate—listed as "dirty" (15305)—was never tested. Both socks appeared to be knotted together around her neck.

common sources across different items of evidence, including sources not previously considered suitable for testing. *Id*. at 2. Mr. Keel concludes that the bindings should be sampled for transfer or touch biology from the assailant in light of current technology, explaining:

> This approach could also produce a DNA profile or profiles common to more than one item and common to more than one victim, and/or be redundant to the blood stain profile from the #16 blanket. Such a finding would produce additional investigative leads (e.g. CODIS/GG), or minimally, support the relevance of the foreign blood previously discovered on the #16 blanket as originating from an assailant.

Id. at 6. In other words, the analysis could provide a lead to the true perpetrator's profile. Additionally, if the male DNA profile on the bindings matched the unidentified profile from the blood on the blanket, it would support the inference that the blood was deposited at the time of the murders.

Mr. Keel also explains the importance of testing the fingernail scrapings:

> Fingernails have long been recognized as likely bearing assailant biology in cases with violent/intimate contact, and with today's technology are now routinely tested. It is likely that one or more of the victims struggled with the perpetrator(s) during the assault. I have personally examined fingernail evidence in over 50 cases. My experience attests and the scientific literature documents that most people sampled at random do not have foreign biology under their fingernails, and that foreign biology intentionally introduced to the fingernails of living subjects in controlled studies is short lived. Hence, foreign biology associated with the fingernails of homicide victims is usually relevant to the crime. Biology transferred from a person to another person's fingernails is rarely self-evident and often is not from blood. Any available fingernail evidence specimens from any or all of the victims should be tested in a contemporary investigation.

Id. at 7.

Assuming a profile is obtained from any or all of these items, Mr. Carruthers seeks to compare that profile to the victims for exclusionary purposes, to himself, to co-defendant James Montgomery, to Ronnie Irving, and to upload any unmatched profile to CODIS.

B. Further Testing of Previously Tested Items

Mr. Carruthers also seeks to compare the unknown male profile that was found on a white blanket in the grave with the victims.[9] As noted above, this profile was already compared to Mr. Carruthers, co-defendant James Montgomery, and the victims and uploaded to CODIS. (Ex. 8.) Mr. Carruthers' counsel was provided an update in 2019 that there have been no hits. Counsel has not received a more recent update in the seven years since.

In other words, the testing of this evidence is incomplete. Mr. Carruthers seeks to have that unknown male profile re-run in CODIS and compared to Mr. Irving.

SUMMARY OF THE ARGUMENT

Mr. Carruthers' case shares many of the hallmarks of other wrongful conviction cases—a conviction resting primarily on the testimony of snitches and informants and otherwise on circumstantial evidence. *See, e.g.*, *DPI Analysis: Causes of Wrongful Convictions*, Death Penalty Info. Ctr. (May 31, 2017), https://deathpenaltyinfo.org/stories/dpic-analysis-causes-of-wrongful-convictions (reporting official misconduct as the leading cause for wrongful capital convictions); *Wrongful Convictions*, Equal Just. Initiative, https://eji.org/issues/wrongful-convictions/ (last visited May 3, 2026) ("More than half of wrongful convictions can be traced to witnesses who lied in court or made false accusations. In 2018, a record number of exonerations involved misconduct by government officials. Other leading causes of wrongful convictions include mistaken eyewitness identifications, false or misleading forensic science, and jailhouse informants." (footnotes omitted)). But Mr. Carruthers was even more disadvantaged due to his forced self-representation.

[9] This profile from the blanket is in the custody of the Tennessee Bureau of Investigation under Lab Case #063001146, marked as Exhibit 02-a.

Mr. Carruthers requests DNA testing on specific pieces of probative physical evidence, most of which has never been tested. In reviewing this Motion, it is important to consider the totality of the circumstances, including the information known at Mr. Carruthers' trial, along with the significant new evidence and information discovered since his trial. Before the State executes Mr. Carruthers, which can't be undone, this Court should require the State to submit critical evidence for DNA testing pursuant to the DNA Act.

ARGUMENT

I. This Court should grant Mr. Carruthers DNA testing under the DNA Act before the State carries out his irreversible execution.

The DNA Act was created to serve two purposes—"first, to aid in the exoneration of those who are wrongfully convicted and second, to aid in identifying the true perpetrators of the crimes." *Powers v. State*, 343 S.W. 3d 36, 51 (Tenn. 2001). The *Powers* Court specifically concluded that the DNA Act granted more than just exclusionary testing. *See id.* "DNA analysis that only compares a petitioner's profile with a profile developed from biological material found at a crime scene cannot effectuate this second purpose." *Id*. "When, however, uploading the latter into a DNA database can potentially identify the person responsible for the crime, the Act also serves a 'law-enforcement,' or justice-finding, purpose: the apprehension of criminals who may still be at large." *Id*.

Similarly, the U.S. Supreme Court has recognized and echoed this purpose:

> DNA testing has an unparalleled ability both to exonerate the wrongly convicted and to identify the guilty. It has the potential to significantly improve both the criminal justice system and police investigative practices. The Federal Government and the States have recognized this, and have developed special approaches to ensure that this evidentiary tool can be effectively incorporated into established criminal procedure—usually but not always through legislation.

Dist. Attorney's Off. For Third Jud. Dist. v. Osborne, 557 U.S. 52, 55, (2009). Indeed, DNA testing helps prevent wrongful incarceration around the country. *See* Br. The Innocence Network as Amicus Curiae Supporting Appellee, *State v. Jones*, No. 2025-0913, 2026 WL 221492, at *3 (Ohio Jan. 27, 2026) (noting that postconviction DNA testing is a powerful tool to prevent wrongful incarceration and that all 51 legislatures have enacted postconviction DNA testing statutes).

There are no statutory time limits for requesting testing under the DNA Act, meaning a petitioner can request DNA testing at any time. § 40-30-303, Tenn. Code Ann. ("[A] person convicted of and sentenced for the commission of first degree murder, . . . may ***at any time***, file a petition requesting the forensic DNA analysis of any evidence that is in the possession or control of the prosecution, law enforcement, laboratory, or court, and that is related to the investigation or prosecution that resulted in the judgment of conviction and that may contain biological evidence." (emphasis added)); *see also Griffin v. State*, 182 S.W.3d 795, 799 (Tenn. 2006). Further, a petitioner cannot waive the right to DNA analysis under the DNA Act by implication. *See id.* In fact, the third prong of both standards provides for testing if the evidence was not subjected "to the analysis that is now requested." §§ 40-30-304, 40-30-305, Tenn. Code. Ann.[10] Therefore, Mr. Carruthers' motion is properly filed now—before his looming execution.

A. Mr. Carruthers' case is exactly the kind of case for which Tennessee's Post-Conviction DNA Statute was created.

In reviewing Mr. Carruthers' motion, this Court must "presume that the DNA analysis at issue is exculpatory or favorable to the defense." *McBee v. State*, No. E2025-00053-CCA-R3-

[10] As noted above, Mr. Carruthers filed a *pro se* request for mandatory DNA testing in 2011 asking for DNA testing on the vaginal swab collected from Delois Anderson and the white blanket containing male DNA. The instant Motion is not seeking the same analysis. Instead, he is seeking testing of several pieces of evidence that have either never been subject to DNA testing or that he is now seeking to compare to a known alternate suspect.

PC, 2026 WL 230074, at *7 (Tenn. Crim. App. January 28, 2026) (citing *Powers*, 343 S.W. 3d at 55). The Court must also "consider all the available evidence, including the evidence presented at trial and any stipulations of fact made by either party." *Alley v. State*,No. W2004–01204–CCA–R3–PD, 2004 WL 1196095, at *3 (Tenn. Crim. App. May 26, 2004); *see also id.* at *9. The Court "must focus on the strength of the DNA evidence as compared to the evidence presented at trial." *McBee v. State*, No. E2025-00053-CCA-R3-PC, 2026 WL 230074, at *7 (Tenn. Crim. App. Jan. 28, 2026).

Further, Tennessee courts have never limited DNA testing "to . . . cases in which there was tenuous evidence supporting the jury's finding of guilt." *Powers*, 343 S.W.3d at 57 (granting DNA testing in a sexual assault case where the defendant was identified through a photo line-up). To the contrary, the Tennessee Supreme Court has recognized that "past cases demonstrate" that "many DNA exonerations have occurred *despite* the fact that there was substantial evidence supporting the conviction." *Id*. at 56 (emphasis added).

In cases where Tennessee courts have denied requests for DNA testing, the proposed DNA testing could not conclusively identify an alternate suspect, the testing was based on pure speculation of another perpetrator, or there was overwhelming evidence of guilt. *See Alley*, 2004 WL 1196095, at *9 (holding that the purpose of the DNA Act was "not to create conjecture or speculation that the act may have possibly been perpetrated by a phantom defendant" and denying DNA testing where Petitioner's had confessed, his allegation of innocence was recent, and he had set forth an insanity defense at trial); *see also McBee* , 2026 WL 230074, at *8 (denying mandatory DNA testing on a gun and laser sight where the defense at trial was that the victim shot herself during a struggle over the gun and exculpatory testing could only possibly result in some impeachment evidence). None of these are true here.

Mr. Carruthers' case is not supported by overwhelming evidence of guilt. Mr. Carruthers has maintained his innocence of the crimes for which he was sentenced to death for 30 years. No physical evidence connected him to the crime. The State's case against Mr. Carruthers at trial was circumstantial at best. Since then, the State's case has fallen apart—as explained above. The DNA testing completed in 2003 in Montgomery's case excluded Mr. Carruthers and revealed the presence of an unidentified male profile. But it was incomplete.

Further, Mr. Carruthers does not seek to pin these murders on a "phantom" defendant. Rather, before his life is taken by the State of Tennessee, Mr. Carruthers requests an opportunity to prove what he has been saying for 30 years: that he is not guilty of the kidnapping and murder underlying his death sentence and that someone else committed these crimes with James Montgomery.

Ultimately, granting Mr. Carruthers' request for DNA testing would advance both of the stated purposes of the DNA Act—to exonerate Mr. Carruthers and to help with identifying the true perpetrator(s) of the crimes underlying Mr. Carruthers' conviction and sentence.

B. Mr. Carruthers is entitled to testing under both provisions of the DNA Act.

The DNA Act allows a petition to secure DNA testing on two separate grounds, which have separate standards—one mandatory and one discretionary. As discussed below, Mr. Carruthers satisfies all four prongs under both standards.

1. Mr. Carruthers meets the criteria for DNA analysis under § 40-30-304.

First, the Court ***shall*** grant testing if the following four prongs are met:

> (1) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA analysis;
>
> (2) The evidence is still in existence and in such a condition that DNA analysis may be conducted;

> (3) The evidence was never previously subjected to DNA analysis or was not subjected to the analysis that is now requested which could resolve an issue not resolved by previous analysis; and
>
> (4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

§ 40-30-304, Tenn. Code. Ann.

On the first prong, "[a] 'reasonable probability' of a different result exists when the evidence at issue, in this case potentially favorable DNA results, undermines confidence in the outcome of the prosecution." *Alley*, 2004 WL 1196095, at *9 (citing *State v. Workman*, 111 S.W.3d 10, 18 (Tenn. Crim. App. 2002)). "Previous appeals should not . . .be used to determine 'the merits of any claim,' that is, whether the reasonable probability threshold [for testing] has been established." *Powers*, 343 S.W.3d at 56.[11] Therefore, in reviewing this Motion, this Court cannot substitute the prior ineffectiveness finding in Mr. Carruthers' case as a merits ruling against this request for testing. Moreover, the new evidence of a third-party suspect and new evidence of prosecutorial misconduct cast the case in a different light. Mr. Montgomery's 2010 statement admitting that he committed the crime and confessing that he dispatched Mr. Irving to kidnap Delois Anderson provided new evidence supporting Mr. Carruthers' innocence that was not available when the prior ruling was made. The testing Mr. Carruthers' now seeks has the potential to show that the State of Tennessee has convicted and sentenced the wrong man to death, consistent with Mr. Montgomery's 2010 statement.

Further, considering "the 'potentially favorable' DNA results along with the existing evidence" (*Alley*, 2004 WL 1196095, at *9) in this case means that, when weighing the potentially

[11] Also, Mr. Carruthers seeks testing under newly available DNA testing, new facts that have come to light since his prior post-conviction proceedings, and a different provision, Tennessee Code § 40-30-305 (2024), the permissive DNA testing statute.

favorable DNA results, this Court must consider three key pieces of new evidence that Mr. Carruthers' jury never heard: (1) the 2010 statement from James Montgomery exonerating Mr. Carruthers and implicating Mr. Irving; (2) the State's recent admission (after decades of denying it) that Mr. Shaw was indeed a career paid informant; and (3) the evidence discrediting the medical examiner's testimony that the victims were buried alive. *See supra* pp. 6-13.

Especially when considered in the context of this information, there is a reasonable probability that Mr. Carruthers would not have been prosecuted or convicted if he had exculpatory DNA results. The evidence Mr. Carruthers seeks to test is *directly* related to the crimes and almost certainly would contain the true perpetrators' DNA—the bindings used on the victims and scrapings from the victims' fingernails. Therefore, the DNA testing requested could produce several results that would affect the outcome in Mr. Carruthers' case. For example, a match on the evidence could directly link an alternative third suspect, Ronnie Irving, to these crimes. This, along with Montgomery's statement implicating Irving, would give police a basis to name Irving a suspect for these crimes—and certainly a strong basis to change the outcome in Mr. Carruthers' case.[12]

In fact, Mr. Carruthers' jurors have confirmed the outcome of his trial would have been different had exculpatory DNA been presented. While Mr. Carruthers' DNA motion was pending at the TSC, federal investigators interviewed jurors who served on the jury at Mr. Carruthers' trial. One of the jurors concluded that "[a] DNA match with a different person would make [her] doubt Mr. Carruthers' guilt." (Decl. Zillah Ferrari (April 2, 2026), ¶ 11, attached as **Exhibit 33**.)

[12] Indeed, the DNA analysis done in 2003 for Mr. Montgomery's re-trial cast such a doubt on the State's theory of prosecution against Mr. Montgomery that the State itself accepted a negotiated *Alford* plea for Mr. Montgomery, who has been free for the last decade. *See supra* note 4.

One less vote for guilt on first-degree murder, of course, would change the entire outcome of Mr. Carruthers' trial—establishing the first prong of § 40-30-304.

Jurors also confirmed that the other information that has come to light would affect their analysis. That same juror also stated that if she had "known that Shaw was a paid informant, [she] would not have voted for a death sentence." (*Id.* ¶¶ 8, 11.) In addition, that juror *and* a separate juror acknowledged the importance of the State's argument that the victims were buried alive, stating: "Had I known the victims were not buried alive, I would have not voted for a death sentence." *Id.* ¶ 3; Decl. David Adams (April 21, 2026), ¶ 3, attached as **Exhibit 34** (same). These juror declarations show that exculpatory DNA evidence, especially when considered with the other information that has come to light since trial, would have changed their analysis of Mr. Carruthers' case. Therefore, the first prong of § 40-30-304 is satisfied.

Even if this Court reviews this request in the context of *only* the evidence presented at Mr. Carruthers' trial three decades ago, the first prong is still satisfied because, again, the jury heard *no direct evidence* connecting Mr. Carruthers to the crime. The presentation of exculpatory DNA evidence surely would have changed the jury's calculus of considering the case.

As to the second prong, the evidence Mr. Carruthers seeks to test is available and suitable for DNA testing. The fingernail specimens are in the custody of the Shelby County Medical Examiner; the bindings of Marcellos Anderson and the knotted pantyhose and red socks from Delois Anderson are in the custody of the Shelby County Criminal Court Clerk, and the unknown male profile obtained from the white blanket is in the possession of the Tennessee Bureau of Criminal Investigation. To the extent the State disputes the accuracy of these assertions, an evidentiary hearing is proper for the Court to hear from the Clerk of the Court, the Medical Examiner, and the Tennessee Bureau of Investigation.

As to the third prong, the fingernail specimens and the bindings on Marcellos Anderson and Delois Anderson have never been subjected to DNA testing.[13] The white blanket was subject to DNA testing, and an unknown male profile was developed. Mr. Carruthers is not requesting further sampling of the white blanket; rather, he seeks to compare the unknown profile to Mr. Irving and to further ensure the sample has been recently run in CODIS to see if there are any matches. In other words, Mr. Carruthers requests testing that has not been conducted. Therefore, this prong is also satisfied.

Finally, Mr. Carruthers does not submit this Motion for any other reason other to prove the innocence that he has maintained for 30 years. While his execution has been set, this testing should take only 14 days after the evidence is delivered to the DNA lab. (Keel Aff., ¶ 17.) As such, the results will be available prior to Mr. Carruthers' execution. While the results themselves may generate further motions or litigation, the inquiry for this Court in reviewing *this Motion* is whether the *request for testing* is done for purposes of delay.[14] It is not. The purpose is to establish his innocence before he is killed for a crime he did not commit.

2. Mr. Carruthers meets the criteria for DNA analysis under § 40-30-305.

Second, the Court ***may*** grant testing if the following four prongs are met:

---

[13] There were two red socks recovered from Delois Anderson, one marked as "bloody" and one marked as "dirty." The "bloody" red sock was subjected to DNA testing on the blood only in 2003. It does not appear the "dirty" sock was tested at all. Neither sock was tested for touch DNA, which is what Mr. Carruthers now requests.

[14] Moreover, undersigned counsel became only recently involved in Mr. Carruthers' case, in late March of 2026. Also, Mr. Carruthers filed a similar motion 27 days ago in the TSC. The State responded on April 12, 2026. The TSC did not deny that motion until three weeks later, stating the motion was not properly filed at the TSC under Rule 12. (Ex. 2.) Any additional delay related to the proceedings at the TSC should not be attributed to Mr. Carruthers. Indeed, if the State had agreed to the request at the outset, the testing would probably be complete by now. (*See* Keel Aff., ¶ 17.)

> (1) A reasonable probability exists that analysis of the evidence will produce DNA results that would have rendered the petitioner's verdict or sentence more favorable if the results had been available at the proceeding leading to the judgment of conviction;
>
> (2) The evidence is still in existence and in such a condition that DNA analysis may be conducted;
>
> (3) The evidence was never previously subjected to DNA analysis, or was not subjected to the analysis that is now requested which could resolve an issue not resolved by previous analysis; and
>
> (4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

§ 40-30-305, Tenn. Code. Ann. The Tennessee Court of Criminal Appeals recently explained this separate standard:

> If a petition does not meet the criteria for mandatory testing, a post-conviction court has discretion to order testing if a "reasonable probability exists that analysis of the evidence will produce DNA results that would have rendered the petitioner's verdict or sentence more favorable if the results had been available at the proceeding leading to the judgment of conviction" and the criteria in (2), (3), and (4) are met. T.C.A. § 40-30-305. A "reasonable probability" means "a probability sufficient to undermine confidence in the outcome." *Powers v. State*, 343 S.W.3d 36, 54 (Tenn. 2011) (quoting *Grindstaff v. State*, 297 S.W.3d 208, 216 (Tenn. 2009) (citations and quotation marks omitted). Although the post-conviction court must presume that the DNA analysis at issue is exculpatory or favorable to the defense, the court "must focus on the strength of the DNA evidence as compared to the evidence presented at trial." *Id*. at 55.

McBee, 2026 WL 230074, at *7. If this Court does not find in Mr. Carruthers' favor under the mandatory standard, it should *at least* find that Mr. Carruthers is entitled to testing under this discretionary standard.

Exculpatory DNA results would have been extremely relevant and meaningful to Mr. Carruthers' jury, which heard only circumstantial evidence of Mr. Carruthers' guilt at trial. for the reasons discussed above (*supra* Part I.B.1), exculpatory DNA results provide a reasonable probability Mr. Carruthers would have been convicted of a lesser charge and/or would not have been sentenced to death.

As to Mr. Carruthers' death sentence, it is especially significant that Tennessee allows the jury to consider residual doubt as a mitigation factor. *State v. Hartman*, 42 S.W.3d 44, 56 (Tenn. 2001) (citing *State v. Teague*, 897 S.W.2d 248, 256 (1995)). Had the jury heard exculpatory DNA at trial, at least one juror would have certainly considered it in mitigation and voted against a death sentence—thus precluding the court from sentencing Mr. Carruthers to death. (*See* Ex. 33, ¶ 12 (stating that he does not support Mr. Carruthers' death sentence after learning new information); Ex. 34, ¶ 4 (same).)

This conclusion is further underscored by the State's own treatment of the previous DNA results in Mr. Montgomery's case. Mr. Carruthers and Mr. Montgomery being excluded from the evidence previously tested, coupled with the discovery of an unknown male profile on a blanket buried with the victims, led the State to enter into an *Alford* plead with Mr. Montgomery for a more favorable judgment and sentence—leading to his ultimate release. *See supra* notes 4 & 12. Montgomery was originally charged, convicted and sentenced to death in the same trial and under the same state theory as Mr. Carruthers. He was sentenced to a term of years and was released from custody in 2016 due to the strength of these favorable DNA results. *See supra* note 4. And yet, Mr. Carruthers now sits six weeks away from his scheduled execution. (*See* Ex. 1.)

As to the other prongs of § 40-30-305, they are established here for the same reasons as they are established under § 40-30-304. *See supra* Part I.B.1.

CONCLUSION

As U.S. Supreme Court Justice Sotomayor recently concluded in her dissent from denial of certiorari for a Texas Petitioner seeking DNA testing, it is inexplicable why the State "refuses to allow DNA testing . . . despite the very substantial possibility that such testing could exculpate [the Petitioner] and identify the real killer . . . ." *Reed v. Goertz*, 146 S. Ct. 936, 939 (2026)

(Sotomayor, J., dissenting from denial of certiorari). Without such testing, the State will proceed with executing Mr. Carruthers "without the world ever knowing" whether his DNA is on the evidence from the crimes scenes and victims' bodies, "even though a simple DNA test could reveal that information." *Id.*

The State of Tennessee should not follow the State of Texas' lead here. Granting the requested DNA testing could definitively prove what Mr. Carruthers has been saying for 30 years—that he is not guilty of these kidnapping murders. If the State had known of these exculpatory results or if his jury had been told about this exculpatory evidence, he would not have been prosecuted, convicted as charged, and/or sentenced to death. This Court should refuse to let his execution take place without first allowing Mr. Carruthers to conduct the requested DNA testing.[15] Accordingly, this Court should grant the Motion.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Tony Carruthers respectfully requests that this Court enter an Order (1) granting this Motion, (2) setting an evidentiary hearing if the Court deems it necessary, (3) expediting briefing on this Motion, (4) granting the requested DNA testing, and (5) granting any other relief the Court deems just.

Respectfully submitted this the 4th day of May, 2026.

/s/ Lucas Cameron-Vaughn
Lucas Cameron-Vaughn, Esq.
TN BPR No. 036284
ACLU of Tennessee
P.O. Box 120160
Nashville, Tennessee 37212
(615) 645-5067

[15] Even in Florida, the national leader on executions as of late, James Duckett was recently granted not one but two rounds of DNA testing before the State could proceed with his execution. *See generally Duckett v. State*, No. SC2026-0528, 2026 WL 1173073 (April 30, 2026).

lucas@aclu-tn.org

Maria DeLiberato, Esq.*
American Civil Liberties Union
201 W. Main St. Suite 402
Durham, NC 27701
(717) 503-2730
mdeliberato@aclu.org

Melanie C. Verdecia, Esq.*
Quarles & Brady LLP
101 East Kennedy Blvd., Suite 3400
Tampa, FL 33602
melanie.verdecia@quarles.com
(813) 387-0279

ATTORNEYS FOR MOVANT TONY VON CARRUTHERS

**pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on May 4, 2026, a true and correct copy of the foregoing has been served on counsel for the Respondent via electronic mail:

JONATHAN SKRMETTI
Attorney General and Reporter

LESLIE PRICE Leslie.Price@ag.tn.gov
BENJAMIN BARKER Benjamin.Barker@ag.tn.gov
COURTNEY ORR Courtney.Orr@ag.tn.gov
NICHOLAS SPANGLER Nick.Spangler@ag.tn.gov
G. KIRBY MAY Kirby.May@ag.tn.gov
SARAH STONE Sarah.Stone@ag.tn.gov
LESLIE BYRD Leslie.Byrd@ag.tn.gov
Office of the Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207

/s/ Lucas Cameron-Vaughn
Lucas Cameron-Vaughn, BPR No. 036284
American Civil Liberties Union
Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
(615) 645-5067
lucas@aclu-tn.org