DECLARATION OF MARIA DeLIBERATO

I, Maria DeLiberato, hereby DECLARE:

1. I am Senior Counsel for the Capital Punishment Project of the American Civil Liberties Union.
2. I represent Tony Von Carruthers.
3. On May 21, 2026, I was present at Riverbend Maximum Security Institution (RMSI) as Mr. Carruthers' attorney witness for his scheduled execution.
4. I arrived at RMSI at 7:30 AM and placed my cell phone in a locker. I visited with Tony until approximately 9 AM. After our visit, I was escorted back to the front building.
5. At approximately 9:50 AM, I was escorted to RMSI's Death Watch Area alongside a lawyer with the state Attorney General's office.
6. I asked the lawyer and Warden Kenneth Nelson whether there had been any word from the courts regarding Mr. Carruthers' three outstanding claims. Both indicated they did not know the answer.
7. The Warden informed me, however, that he had been instructed to proceed with the execution.
8. I told the Warden that if there were any claims still pending, I would need access to a phone.
9. When we arrived at the Death Watch Area, Tony was in his cell, wearing a prayer shawl.
10. The execution gurney was rolled into the hallway in front of his cell. The Warden informed Tony that officers wearing tactical gear were going to enter his cell to strap him to the execution gurney.
11. As soon as the officers were about to enter Tony's cell, I heard a frantic knock at the door, and a female opened the door and shook her head and told them not to proceed. They wheeled the gurney back out of that same door.
12. The Warden then said that they were going to wait for the court to resolve Mr. Carruthers' outstanding claims before proceeding with the extraction.
13. I was escorted back to the front building. They allowed me to access my phone as long as I promised to not call the media.
14. Shortly thereafter, before I was able to get any signal to call co-counsel, the Warden's secretary informed me that they were going to proceed.

Courtesy of Death Penalty Broadcast

15. At 10:15 AM, as we were walking back to the Death Watch Area, I again asked the Warden whether the court had denied Tony's outstanding claims. The Warden just reiterated that they had permission to proceed.
16. At 10:17 AM, the corrections officers entered Tony's cell, told him to put his knees on his bunk and his forehead against the wall, whereupon they cuffed him. They walked him out of his cell and then lifted Tony and put him on the gurney.
17. As the officers began to strap Tony to the gurney, Tony held his hands in prayer.
18. At approximately 10:22 AM, the corrections officers wheeled Tony to the Execution Chamber, where they secured the gurney to the floor.
19. At approximately 10:24 AM, three members of TDOC's IV Team began their attempts to place a peripheral IV line in Tony's right arm.
20. During this process, I observed from about six feet away.
21. From the outset, I could tell that the IV Team members were struggling. One of them commented that Tony's veins were "rolling."
22. At approximately 10:31 AM, the IV Team managed to establish peripheral IV access in Tony's right arm.
23. They then attempted to place a second peripheral IV line in Tony's left arm.
24. Throughout this process, a TDOC corrections officer was handing needles back and forth with the IV Team member who was attempting to place the line. I saw the officer dispose of the used needles in a receptacle and heard the needles "clink" as they were thrown away.
25. From approximately 10:32 AM to 10:44 AM, the IV Team attempted to place the second IV line in Tony's left arm. They stuck him approximately 6 to 7 times.
26. At one point, the IV Team member who was attempting to place the line thought she had gotten it in and announced that she "saw a flash," but that it wouldn't flow.
27. At 10:44 AM, the IV Team member said that the line was not infiltrating but was also not flowing.
28. The IV Team member repeatedly shook her head and she wore an expression of visible effort as she tried to gain access.
29. Tony was wincing through most of the needle sticks.
30. At 10:48 AM, the IV Team member seemed to have established a peripheral line in Tony's left hand. But she quickly began shaking her head and said that it was not flowing.

Courtesy of Tim Dickinson for Rolling Stone

31. At 10:54 AM, "Physician A" entered the Execution Chamber and identified himself by name.
32. Physician A instructed the IV Team members to take off Tony's socks to look for veins in his feet.
33. At 10:56 AM, they took out an infrared vein finder and dimmed the lights.
34. At 10:57 AM, Physician A said that they "got a flash, but it won't run." I could not see whether they had managed to set a line in Tony's foot.
35. At this point, I asked the Warden whether he was going to stop this. He said that he would not intervene until instructed to do so.
36. I then asked for a phone. The Warden and the lawyer with the Attorney General's office both had cell phones on them. But they did not offer to let me use their cell phones. Likewise, TDOC refused to let me use the wall phone in the Execution Chamber or the one in the adjoining Official Witness Room.
37. The Warden's secretary began looking for a phone that I could use and eventually escorted me back to the Death Watch Area.
38. The phones in the Death Watch Area were not plugged in. The Warden's secretary proceeded to plug in a phone, while I stood there and waited for it to dial up.
39. During this time, I could not hear or see Tony.
40. Once the phone was working, I called counsel at the Capital Habeas Unit of the Federal Public Defenders for the Middle District of Tennessee, and briefly explained the situation. I asked them whether TDOC was permitted to place a central line under its execution protocol. They informed me that TDOC was allowed to place a central line.
41. I then returned to the Execution Chamber at 11:06 AM, where I observed that Physician A and the IV Team were still trying to obtain peripheral IV access in Tony's left foot.
42. Tony was wincing during these efforts and seemed to be in pain.
43. Physician A then announced that he was going to place a central line.
44. At 11:09 AM, Physician A asked the members of the IV Team if any of them had experience with jugular access. One of the members said that they did.
45. They proceeded to undo Tony's chest straps and turned his head to the side. They then felt around Tony's neck.
46. At 11:10 AM they turned down the lights and brought out the infrared vein finder—which they used to assess Tony's neck. At this point, the IV Team member who volunteered to assist in finding jugular access said that he didn't "feel like he could do this."

47. Physician A then placed a drape over Tony's face and body—which they repositioned after realizing they had placed it on backwards.
48. Physician A got out the central line kit and asked whether someone could confirm that the kit was not expired. Someone said that it was not expired.
49. At 11:14 AM, Physician A asked whether "the patient" was allergic to lidocaine. The prison staff did not know.
50. At 11:15 AM, Physician A stuck Tony with a needle and administered the lidocaine below his right clavicle.
51. Physician A asked for a razor, but the prison staff did not have one.
52. Physician A then said that they were going to wait 5 minutes for the lidocaine to take effect.
53. At this point, I asked to access the phone. I was again taken out of the Execution Chamber and was out of sight of Tony.
54. Once again, I called counsel at the Capital Habeas Unit. I informed them that Physician A was attempting to place a central line. They explained that the physician had previously been deposed as part of their state court litigation and that he was not qualified to place a central line.
55. I immediately returned to the Execution Chamber, where I saw Physician A standing over Tony. I objected that Physician A was not qualified to place a central line. Physician A snapped back to me, "yes, I am qualified." The Warden then said "Doctor, do your job."
56. At 11:20 AM, Physician A began poking Tony with a needle in the area where he had administered the lidocaine (below the right clavicle). He asked Tony if it hurt. Tony said "yes," he could feel it. Physician A responded, "well, it may just be some pressure."
57. Physician A then proceeded to insert a needle under Tony's right clavicle.
58. Tony began gutturally groaning and said, "it hurts, it hurts." I would later learn this groaning was audible to media witnesses.
59. There was about a half-dollar size amount of blood in the area where Physician A stuck the needle.
60. Physician A wiped the blood away and attempted a second time to insert the needle. I could observe at least two puncture wounds.
61. Physician A then attempted to thread something into one of the spots where he had inserted the needle.
62. Tony was moaning and groaning in pain. He looked at me and I assured him that I had called the rest of his legal team and that they knew what was happening.

63. At 11:22 AM, Physician A said that they would not be able to set a central line.
64. Physician A then attempted to obtain peripheral IV access in Tony's right shoulder.
65. At 11:28 AM, Physician appeared to set a line in Tony's right shoulder. I observed blood in the line.
66. At approximately 11:30 AM, someone announced that they "had flow."
67. Tony now had a line sticking out of his right arm and right shoulder, and there was blood visibly backfilling the right shoulder line.
68. At approximately 11:34 AM, the Warden left the room and came back shortly thereafter.
69. At 11:40 AM, one of the phones on the wall of the Execution Chamber rang and the Warden answered. After a brief conversation, the Warden hung up and said that they would not be moving forward with the execution "now."
70. I asked him to clarify and the Warden said that all he knew was that they would not be moving forward "now."
71. The IV Team then began removing the IVs from Tony's right arm and right shoulder. Blood continued to fill the lines, and Tony was clearly in pain.
72. Over the course of this entire process, I observed the IV Team and Physician A stick Tony over a dozen times.
73. I asked the prison staff if they would have Tony evaluated by medical and they assured me that they would.
74. They then took Tony back to his cell.
75. I was escorted out of the Execution Chamber and back to the front building, where I was able to access my phone.
76. Eventually, I was escorted out to a tent near the press conference tent, where I sat in a chair. An employee of TDOC told me that I could not go over to the press conference tent, but that I could listen from where I was sitting.
77. There, I listened to the media witnesses describe what they could hear from the Official Witness Room.
78. At this point, I texted reporter Steven Hale to let him know where I was sitting, because TDOC would not let me go over to the press conference tent.
79. Mr. Hale and other reporters came over to ask me questions. They informed me that the Governor had granted Tony a one-year reprieve.
80. I then went back into the prison to see Tony, where he was being held in Unit 2.

81. Tony was sweaty, pale, tearful, and he seemed to be in shock and pain.
82. The Warden informed me that Tony had been evaluated by medical, who said that Tony was "okay" and had given him ibuprofen.
83. I asked Tony what he needed, and he informed me that he was having trouble balancing and did not have any strength in his legs. I observed this to be true, as he could barely stand or walk.
84. Tony said that Physician A "was hurting me and knew he was hurting me."
85. I asked Tony if he would allow an independent doctor to come evaluate him, and he said that he would. I told him that we would try to get a doctor out to see him in the next couple days. To date, the prison has declined to allow an independent doctor to evaluate Tony.
86. When I was leaving the prison for the second time, I spoke briefly to the Warden. I observed him carrying a stack of papers, and the top paper was a document titled "syringe log."

I declare under penalty of perjury and the laws of the United States and the State of Tennessee that the foregoing is true and correct to the best of my knowledge.

Date this 20th day of July, 2026.

Maria DeLiberato

Courtesy of Time of Death Podcast by Beth Schaden