

Police officer: 'had no choice' but to shoot, - Chattanooga Times Free Press (TN) - January 5, 2019 - page B4

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Nashville police officer Andrew Delke told investigators he felt like he "had absolutely no choice" when he shot and killed **Daniel Hambrick**, a man who was running away from him during a foot chase.

Excerpts of Delke's lengthy interview with Tennessee Bureau of Investigation agents days after the shooting were played and read in court Friday during a preliminary hearing in a criminal case against the officer. The hearing, a routine part of the criminal process, stretched on for five hours Friday, with lawyers set to continue their arguments at 9 a.m. Saturday.

Delke, 25, is the first Nashville officer to be charged with criminal homicide for an on-duty shooting. The high-profile case got significantly more scrutiny than other cases typically do at this phase.

The outcome of the preliminary hearing could determine if the case against Delke moves forward. General Sessions Judge Melissa Blackburn will use the evidence discussed in the hearing to decide if the case is strong enough to go to the grand jury for another round of review.

Blackburn is expected to announce her decision Monday.

Throughout Friday's interview, Delke said he made the split-second decision to open fire on Hambrick, 25, based on his police training.

Delke said that, at one point during the July 26 foot chase, he saw Hambrick turn to look at him and point a gun in his direction. Delke said he told Hambrick to drop the gun or he would shoot.

"He's refusing multiple commands to drop the gun," Delke said in the interview. "In my mind at that moment I knew 100 percent his intent was to use that gun against me and maybe possibly somebody else."

Prosecutors do not challenge that Hambrick was armed, but assistant district attorney Ronald Dowdy said portions of Delke's account were "not consistent with the evidence."

On Friday, Dowdy drew attention to the fact that surveillance footage of the chase, drawn from several cameras in the area, showed no evidence that Hambrick looked at Delke or took aim.

Prosecutors and defense attorneys sparred over whether Hambrick could have turned and aimed during a 36-foot "void" in the midst of the chase that was not captured on video.

Dozens of off-duty police officers crowded the courtroom for the hearing. Hambrick's family packed into the front rows of the gallery, sometimes crying softly as details of his death were discussed.

Delke, who is white, is charged with killing Hambrick, who is black.

Delke encountered Hambrick in a North Nashville parking lot after an attempted traffic stop nearby. After Hambrick saw Delke, he ran and the officer followed behind.

Surveillance video of the seconds before the shooting shows Hambrick facing forward and running away as Delke stops, aims and shoots. Hambrick was hit three times from behind.

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