

PR push for white officer accused of killing armed - Associated Press State Wire: Tennessee (TN) - February 14, 2019

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NASHVILLE, Tenn. (AP) — The attorney for a white police officer charged with fatally shooting an armed black man in Tennessee is calling for legal discovery documents to be sealed from members of the public.

Meanwhile, a police union has launched a digital ad campaign seeking to defend the Nashville officer, Andrew Delke, and bolster his image in public. The officer shot 25-year-old **Daniel Hambrick** from behind during a foot chase last July and is charged with first-degree murder.

Two attorneys for Delke's defense team also represent the Nashville Fraternal Order of Police itself — which is running the digital ad campaign — or its individual members. That has prompted Nashville District Attorney General Glenn Funk to question whether there are potential conflicts of interest in Delke's case.

Defense attorney David Raybin has shrugged off the prosecutor's complaints, saying there is no impropriety or conflict in representing Delke. Raybin also argued Funk was just trying to get headlines as he pushes for public disclosure of documents obtained in legal discovery.

While the attorneys go back and forth in court papers, the police union's campaign on public perception continues to grow.

One ad claims to show a loaded gun that was pointed at Delke. But prosecutors have cast doubt whether Hambrick pointed the gun at the officer.

The group then set up a "Truth about Delke" website, saying the officer is being unjustly prosecuted for "defending his life and doing his job." It also calls Hambrick a "dangerous convicted felon," and includes a picture of him holding a gun and money, among other photos.

Delke didn't know who Hambrick was when he chased the fleeing man and shot him three times, an arrest affidavit states.

David Harris, a University of Pittsburgh law professor who specializes in police behavior, law enforcement and race, said influencing public opinion is a familiar tactic in these kinds of cases. But he said the use of digital technology has gone beyond the usual statements to reporters huddled outside the courthouse.

"They're trying to influence public opinion about the case in advance of the trial, with the idea of influencing a possible jury," he added.

But, Harris said, too much public influence one way or another could lead a judge to institute a gag

order, draw the jury from elsewhere, or both.

Additionally, it's not uncommon for attorneys to represent a police organization and charged officers, Harris added.

Funk contended that the digital campaign contains "misinformation, mistruths and untruths."

Raybin, meanwhile, reasoned that disclosing sealed state documents "might foster the later appearance of witnesses who magically 'remember' things based on what they have seen on the television."

Funk first drew the police union's ire last August when he released surveillance footage of Delke chasing and firing upon Hambrick before an investigation was complete.

In September, Funk announced charges against Delke. The rhetoric ramped up at a preliminary hearing when Funk compared Delke's defense to what was used to defend Nazis in Nuremberg. Raybin swung back days later, saying Funk "functionally declared war on our police."

Delke's grand jury indictment came down last month.

According to the arrest affidavit, Delke pulled into an apartment parking lot and mistook a car for one he had been following while looking for stolen vehicles and known juvenile offenders. Several people were in the area at the time, including Hambrick, who began to run, according to the affidavit.

The affidavit says Delke believed Hambrick may have been connected to the car he thought might be stolen, and he chased him and yelled at him to stop. It says Delke shot Hambrick in the back, torso and the back of his head. A fourth shot missed him.

The shooting sparked an outcry from Hambrick's family, the local NAACP and others, leading to a November referendum vote that has created a citizen oversight board for Nashville's police force.

Delke's case heads back to court for a hearing Tuesday.

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