

DA, defense clash in push to seal records in - Associated Press State Wire: Tennessee (TN) - February 19, 2019

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NASHVILLE, Tenn. (AP) — A prosecutor said Tuesday that family members of an armed black man who was fatally shot from behind by a white Nashville police officer want a slew of records made public in the officer's first-degree murder case.

But the attorney for Nashville Officer Andrew Delke responded in court that prosecutors "need to be careful what they ask for" because 25-year-old **Daniel Hambrick**'s family might not want to see what the defense has.

Delke, 25, shot Hambrick from behind as he chased him last July. 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.

In the hearing Tuesday on whether the records should be sealed, Delke lawyer David Raybin said Nashville District Attorney General Glenn Funk's preference of publicly filed pretrial discovery documents would let the case be tried through news coverage. Raybin said the discovery filing preference breaks with a state Supreme Court ruling that Funk backed.

Raybin said Davidson County Criminal Court in Nashville has been unique in filing pretrial discovery "all willy-nilly with the public," a "pernicious" practice he said should end. He said that anyone with a cellphone and an internet connection could disseminate the state's case to the world.

"You try your case in the newspaper by filing all of this stuff with the clerk. Everybody can see everything," Raybin said. "And, again, I want to suggest that I don't know what's in their discovery. It's trial by ambush all over again."

Funk said Nashville does have exceptions when cases involve child victims or rape. The 2016 case that Raybin referenced involved evidence in the rape case against four former Vanderbilt University football players.

Funk contended that Delke's case doesn't warrant the same treatment.

"There has not been a showing by the defense that there is something about this case or a need for privacy protections similar to those that were needed in the Vanderbilt rape case or child rape cases," Funk said.

Raybin contended that the prosecution already complicated jury selection in August when it publicly released surveillance video of the shooting. He said that if the state's case was made public, it could take a month to find a jury, adding that he doesn't want to have to go to another county to find impartial jurors.

The Nashville Fraternal Order of Police, meanwhile, has sought to influence opinion in Delke's favor through a public relations campaign on the case, including digital advertising.

Among other messaging, one ad claims to show a loaded gun that was pointed at Delke. Prosecutors have cast doubt on whether Hambrick pointed the gun at the officer.

Judge Monte Watkins said he will rule on the discovery disclosure by early next week.

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