

A warning to listeners: this episode contains cursing and descriptions of violence. This is the epilogue. If you haven't listened to the whole series, go back and start at the prologue.

Courtroom sound up

Bailiff:

"All rise. Hear ye, hear ye, hear ye."

Fade bailiff underneath.

On July 2, Judge Monte Watkins held an unexpected hearing in his courtroom for Andrew Delke's murder case.

MW:

"Alright. Good morning, everybody. I understand, well, the only case we have on the docket is the State of Tennessee versus Andrew Delke. I understand that we have an agreement in this matter. Is that correct?"

DR:

"Yes, your honor."

MW:

"Are we ready to proceed?"

DR:

"Yes, your honor."

MW:

"Alright, if you'll have your client stand at the podium."

DR:

"Yes, your honor."

Fade court sound underneath.

Delke is the first Nashville police officer to be charged with murder for an on-duty killing. Three years earlier, the white officer had shot Daniel Hambrick, a Black man, while he ran away with a gun in his hand.

And less than a week before he was supposed to stand trial, Delke stepped up to the stand, flanked by his lawyers, and held his right hand in the air.

This moment was supposed to be different. It was supposed to be historic. For once, an officer's actions would be questioned. And a jury would decide if the shooting was justified.

But instead, the prosecution and the defense had struck a deal.

GF:

"Judge, the agreement of the parties is that the defendant, Andrew Delke, will enter a guilty plea to the offense of voluntary manslaughter. He will be sentenced to a three-year sentence of incarceration."

The district attorney said Delke would waive his right to an appeal and that he would not seek parole. He had resigned from the police department the day before and would be booked in the local jail right after the hearing.

But three years behind bars was far from the life sentence Delke could have faced had he been convicted of first-degree murder. He'd received the minimum possible penalty for a lesser charge.

Still, Delke admitted that his use of deadly force wasn't necessary.

AD:

"I am deeply sorry for the harm my actions caused , and I hope that Mr. Hambrick's family will obtain some comfort from my acceptance of responsibility and my guilty plea today."

But the admission of guilt wouldn't bring comfort to the Hambrick family.

VH:

"I hate you! I don't accept your apology, because you could of did it at the beginning! I don't accept it."

Theme music in. Billboard.

I'm Samantha Max with Nashville Public Radio. This is Deadly Force. It's a WPLN News investigation into a 2018 shooting by a Nashville police officer.

In this episode, we'll take you through that emotional day in court. We'll explain why this trial was canceled at the last minute, after three years of protests, preparation and heated courtroom battles. And we'll hear from voices you've gotten to know over the course of this series about whether this plea deal is progress, or just history repeating itself.

The Epilogue: A Win for No One

Theme music out. Court ambi.

In the weeks leading up to Andrew Delke's trial, both the prosecution and the defense were charging full speed ahead toward opening arguments. They spent days grilling expert witnesses.

DR:

"Why in the world would you not want to capture every scrap of video that existed so there'd be no question about it if something came up later?"

RD:

"I'll ask you again. Yes or no?"

TJ:

"I can't answer that question. Alright? I have not testified to that. I didn't say that. Those are your characterizations and your words."

And debating whether jurors should be allowed to see a video of the shooting with a two-second gap.

DR:

"If you're gonna show some of the video, you're gonna show all of the video. ... This man's life is hanging on a video. And they didn't preserve it."

RM:

**"Found one missing needle in the haystack of evidence. ...
Suppression of the video is dismissal of the case."**

After three days of hearings, the judge worked out all the disagreements.
Then, less than a week later,

FOX17:

**"Breaking news tonight in the case of a now former Metro police
officer charged with murder."**

NC5:

**"Andrew Delke is expected to take a plea deal in the morning for
shooting and killing Daniel Hambrick."**

Protest ambi in.

The trial was off. And the Hambrick family urged community members to
protest the plea deal.

**<<<Something has got to give, 'cause my people want to live.
Something has got to give, 'cause my people want to live.>>>**

Around 8 a.m. the next morning, a few dozen people gathered outside the
criminal courthouse in downtown Nashville. The sky was overcast, but it
was still hot and humid. Jamel Campbell-Gooch, a local activist, addressed
the small crowd.

JCG:

**"Justice for Dan Dan won't happen in the courts. The DA's office and
courts ain't good for nothing but locking up Black people."**

Campbell Gooch said people shouldn't count on those same judges and
district attorneys to bring justice when police kill their loved ones.

JCG:

**"District attorney Glenn's Funk decision to give Officer Delke a three-
year plea deal for killing Daniel Hambrick is an example of the
system's oppression and obsession with using the police to kill and
lock up Black people. We see how the system treats us versus the
way it treats them. We can never rely on death bringers to protect our
community."**

People applaud. Protest sound fade out. Court hallway ambi fade in.

Meanwhile, some people had started to file into the courthouse. The hallway outside the courtroom was packed with activists, attorneys and reporters, waiting for the doors to be unlocked. Rasheedat Fetuga was struggling to keep it together. She could barely get out of bed that morning.

RF:

"I put on a dress. Made sure it was pink to feel as bright, I guess, as I could. My heart felt black. My heart felt dark and heavy and sad. And so, I just really tried to put my best foot forward."

You might remember Fetuga from episode four. She leads a local grassroots organization. A few years ago, the group put out a report that showed Black drivers were being stopped and searched by police at higher rates than white drivers.

Since that report came out, multiple Black people have been killed by white officers following a traffic stop. Daniel Hambrick was one of them. And Fetuga has gotten close with his family. She says the mood in the hallway the morning of the plea hearing was somber.

RF:

"It was almost like a funeral. It was like a funeral. People coming together to say goodbye to someone that they really loved. And it was a lot of crying in the hallway in the hallway before court. A lot of hugging. Community leaders, grassroots leaders. Those are the people who were there. It wasn't traditional community leaders who were there. There were no city officials or anything like that. It was the people who do the work on the ground. And it was a lot of just encouraging each other, consoling each other, holding each other up and waiting very anxiously, I think, for the Hambrick family to show up."

Applause fade in.

And when Daniel Hambrick's family arrived, the hallway erupted in applause.

Let applause run for a moment.

RF:

"And that was like a really powerful moment, because with all of the grief, losing her son, losing the opportunity for justice, Ms. Vickie, Daniel Hambrick's mother, she walked in with the strongest stride that she could possibly muster. And Daniel Hambrick was not my son. I did not birth him. I didn't raise him. I didn't wipe his nose and tie his shoes. Yeah, I didn't read to him and all of those things that mother do. I didn't mother him. And it was hard for me to get up. It was hard for me to walk in. And so, to see her and her family walk in in such a devastating moment with such, just, just power, self-empowerment in a very terrible situation, it wrenched my whole soul."

Inside the courtroom, Delke was dressed in a light gray suit with his thick, brown hair combed to the side. At first, he answered a few questions from the judge. Then, the 28-year-old shut his eyes and gulped in a few jagged breaths. And three years after he killed Daniel Hambrick, Delke made his first public statement: an apology he had written as part of the plea deal.

AD:

"I am pleading guilty today, because I recognize that my use of deadly force was not reasonably necessary under all of the circumstances. I — I recognize that what happened on July 26, 2018 was tragic. Ms. Hambrick lost her son that day, and I am responsible for her loss. Excuse me. These are facts that I will have to live with for the rest of my life, and no mother should ever have to experience the loss of a child. And not a day has gone by that I have not thought about my actions. I also recognize that my actions impacted the community and the police department. I hope this case can contribute positively to the much-need discussion about how police officers are trained and how we as a community want police officers to interact with citizens. I am deeply sorry for the harm my actions caused, and I hope that Mr. Hambrick's family will obtain some comfort from my acceptance of responsibility and my guilty plea today."

Unlike so many officers who have killed people, Delke admitted he'd done something wrong. And he didn't just say he was sorry. He also pushed the

police department to think beyond the specifics of his case and change how it trains *all* officers to interact with the public.

But the Hambrick family wasn't satisfied. They still wanted their chance at a trial. And before long, Vickie Hambrick's emotions began to bubble to the surface.

After the officer who killed her son read his apology letter, Hambrick had just about lost her patience. The mother clutched her attorney's hand tightly as she walked to the front of the courtroom to address the judge.

JK:

"Your honor, Ms. Hambrick has a prepared statement, and I will read it on her behalf."

The voice you're hearing is actually Vickie Hambrick's attorney, Joy Kimbrough. She's reading a statement written by Hambrick, who's standing behind her in a royal blue T-shirt with the words "Rest in Peace Dan Dan" printed on the front. Her son's image lays on her heart.

JK:

"On June 1, 1993, I gave birth to Daniel Edward Hambrick. He was my only child and the love of my life."

In her statement, Vickie Hambrick says her son was her eyes. She's legally blind. And she says her son wasn't ashamed of her disability. That he loved his mother unconditionally and promised he would always take care of her.

JK:

"Since he's been gone, things have not been the same and they never will be. There's not one hour that goes by that I do not think of Daniel. Even though I have friends and family, there's a void in me that cannot be filled. Nothing and no one compares to my precious son."

Hambrick says she's angry. Mad. Disgusted. That she prays no other mother has to endure what she has. And she says that she's against the plea deal, which she calls a "backroom bargain."

As Hambrick's lawyer reads her statement to the judge, a heaviness hangs over the courtroom.

On one side, Delke sits solemnly, surrounded by his defense team, relatives and supporters from the Fraternal Order of Police. On the other, Hambrick's family and friends hold one another and wipe away tears.

Fade clapping underneath.

They clap in agreement as Hambrick criticizes prosecutors and defense attorneys for implying her son's life was worth only three years.

JK:

"We all know that if Daniel had executed Delke by shooting him in the back of his head and in his back and in his buttocks as he ran away, he would be riding on death row, waiting on the electric chair."

Hambrick's statement criticizes the police union for attacking her son's character. She says the police department has failed to accept accountability. And with the plea deal, she says, District Attorney Glenn Funk had "lost his nerve" and forced the settlement down her throat.

Bring in clapping and stomping.

MW:

"Alright, let's hold this down. I've allowed you some latitude. We're going to have order in this courtroom. Do we understand each other? Alright? And if that person wants to speak out, that person can leave this courtroom."

The room falls quiet, and the lawyer reads the final lines of Vickie Hambrick's statement.

JK:

"I have contempt for this system. I have contempt for this plea. I have contempt for the FOP. And I have a special contempt for Andrew Delke. May you all rot in hell."

Pause.

The attorney stopped reading. Then she urged the judge, who is Black, not to accept the plea deal. She said it was disrespectful to the Hambrick family and to the community. That it wasn't warranted, based on the facts.

Commented [CS1]: This could be where we switch from present back to past tense. The statement is now complete, and Kimbrough is now speaking as herself.

JK:

"Ms. Hambrick, for the last three years, has been trying to get mentally ready for July 12. The days have changed over time, but get ready for that trial. That's the only bit, the only semblance of any justice she may receive for the three bullets that struck and killed her son."

Kimbrough said the DA violated her client's rights as a victim by agreeing to the deal without consulting her.

JK:

"You honor, yesterday about 2:30 p.m., she found out for the first time that the deal had been done. That it was a foregone conclusion. That his fate had already been determined. They didn't need a jury, because white men decided. They decided what was best for this community and for Ms. Hambrick. Judge, you have the power, the powers used across the state and other states, too. You can reject this plea deal. You can say not on my watch. I'm not accepting this plea deal. And we are begging you. The citizens are begging you, Judge Monte Watkins, to do the right thing and reject this plea deal. It's not fair. It's not justice. It's not justice."

After the attorney stopped speaking, she wrapped her arms Hambrick. Then the grieving mother leaned over the lectern, bowed her head as she caught her breath and began to whimper and bang her fists.

VH:

"My baby. I can't believe it. I can't believe this judge. I can't believe it. I've been going through this for three years. I can't believe it."

Ramp down.

Hambrick's loved ones rubbed her back as she struggled to speak. Then she started listing all the relatives who had died since her son was killed and screaming at Delke that it was his fault.

VH:

"I hate you! I don't accept your apology, because you could of did it at the beginning! I don't accept it. What if the tables was turned, Judge? What if the tables was turned? Just look at the tape. What if it's your child instead of my child? What if it was your child? It would have been a different story. What if it's your motherfucking child, you white motherfucker. Cause he's a motherfucker. You bastard. You a bastard. I hate you!"

Hambrick continued to shriek as three years of emotions spilled out of her. She called Delke racist and warned him to watch his back in jail. Then she pushed the lectern to the ground and started reaching in his direction. Loved ones and court staff had to pull her back.

Ramp back up.

MW:

"OK. Don't. Don't harm anyone."

<<<Yelling>>>

People in the pews rose to their feet. Delke was whisked out of the courtroom. The judge and defense attorneys followed. Delke's attorney said court officers took him away for his own safety.

Fade courtroom noise out.

RF:

"They ran him out like, like he didn't, like he didn't deserve that heat. They should have made him sit there and take that. But he didn't care. I think the only benefit that came from Ms. Vickie expressing herself the way that she did is freedom of expression, that she was able to get that out, because she's been composed this entire time."

SH:

"At the end of the day, look what we faced. You'd be mad, too."

Sam Hambrick is Vickie Hambrick's nephew. He was like a big brother to Daniel and has been by his aunt's side through every twist and turn of the

case. He also serves as her de-facto spokesperson, since she's mostly shied from interviews since her son's death.

SH:

"I would have did more than Vickie would have even did, if that was my son. I wouldn't know how to handle that. And can nobody in this world, you cannot blame Vickie or discredit her for how she acted. No mother, no father, if you got a child, put yourself in her shoes for 10 seconds. Just 10 seconds."

RF:

"It's like, when we get angry, and when we try to fight, it feeds into the power of white supremacy. And so, you know, a lot of people wanted Ms. Vickie to calm down and not give them what they want, when it was really important for her to be authentic in that moment."

But Hambrick's loved ones *did* eventually calm her down. And after about 20 minutes, Delke was escorted back inside.

Bailiff:

"Please remain seated. Come to order. Court is back in session."

MW:

"Alright, we've gone through the plea colloquy. There's not much left to do. But here we are. Alright. I find you guilty. I find there's a factual basis for it and that the plea is freely and voluntarily given. In case 2019-A-26, I sentence you to the term of three years. As a standard, range I offender, that sentence is to serve. There will be no petitions for early release. And that'll be it."

DR:

"Thank you, your honor."

AD:

"Thank you, your honor."

And that was it. Three years earlier, Delke had been a rising star at the Metro Nashville Police Department. He'd won awards for making frequent arrests. Now Delke had been convicted of a felony. This time, he was the one going to jail.

But after waiting three years for a trial, the Hambrick family and their supporters still felt like they'd been robbed of justice. Had Delke been convicted of first-degree murder, he could have spent the rest of his life in prison. Instead, he'd be home in three years. Maybe even sooner under jail rules, if he earned credits for good behavior. He'll likely spend less time behind bars than the Hambrick family waited to see him locked up in the first place.

Music in. Another dueling pressers montage.

Delke declined an interview request through his lawyer.

After the hearing, the defense and the prosecution both tried to explain to reporters why they'd abandoned their plans for a trial so late in the game.

GF:

"Never in Nashville has an officer been convicted of any form of homicide. This case is significant."

That's District Attorney Glenn Funk. He also declined an interview request. But he did speak briefly after the hearing. So did Delke's attorney, David Raybin.

DR:

"While many things about this case are unusual, the negotiated plea agreement today is not. Citizens facing substantial prison time routinely plead guilty to guarantee a reduced sentence."

Raybin was speaking at his downtown office. Just blocks away, a small group of protesters had set the Metro Courthouse on fire the year before, when George Floyd was killed. Raybin said that's part of the reason he pushed for a plea agreement. He didn't think his client could get a fair trial in Nashville.

DR:

"It's no secret there's some folks who do not like police officers and who would like nothing more than to make an example of one. ... The riots and arson in the courthouse last year gave us concern not only for our personal safety and that of our client, but also that jurors

would be worried about more restrictions — reactions to their verdict than reaching the right result. The unfortunate events that you all saw and witnessed in the courtroom today are proof of that."

GF:

"It's been a long three-year struggle, and this has never been a slam dunk case for a murder prosecution. ... Daniel Hambrick did, in fact, have a gun, and he was carrying it in his hand."

DR:

"We've all seen the video of the scene from the comfort of our homes. We can slow it down. We can rewind it. We can replay it again and again. No one is holding a gun near us while we do that."

GF:

"The fact of the matter is, Andrew Delke did tell Daniel Hambrick to stop and warn him that if he didn't stop he would shoot him. Just because a man who's running doesn't stop does not actually give police a justification to shoot him in the back while they're running away. But the fact that those statements were made would make it harder to get 12 jurors from this community to all unanimously decide to bring the murder conviction."

DR:

"There's always a great uncertainty about what a jury might decide in any given case. This one's particularly unpredictable."

GF:

"Members of my office on the trial team acknowledged that there was well over a 50% chance that this jury would hang and no verdict, no judgment, no accountability. The emotion that we saw in this courtroom today would have been played out a hundredfold if there had been no accountability in this case."

DR:

"Mr. Delke's plea today gives closure and finality for himself and his family, and we hope the community can now look forward and hope for progress with the many issues facing our country."

GF:

"This is not a happy day, but it is a day that needs to have had to be able to make progress toward the ultimate goal of having a safer community, and a community where the police officers and the community work hand in hand to try to make sure that we're a safe place."

Music out. Reverb.

WS:

"In the pantheon of things, I think it's probably a win for no one."

That's activist Walter Searcy, who you've met in episodes three and four. He's been protesting racial discrimination and police violence in Nashville for more than 50 years.

WS:

"I mean, Delke, he's a young guy and, you know, he's gonna be a convicted felon, and he's gonna serve some time. ... You know, he's not what he started out to be. And, of course, the family and the community at large, you know, they're not gonna be satisfied with the outcome, so it's one of those situations where, you know, nobody goes home without some, you know, some loss."

Hambrick's cousin, Sam Hambrick, says the plea deal has brought on a new round of grief for the family.

SH:

"It kind of hit harder than the first. You know, when you lose a loved one, eventually, over time, you'll get past it, you get over it, you know. But you got to you got to — I got to remind people that we live this every day, whether it's on the news, whether it's a friend that call, whether it's an interview you have to do."

Hambrick says he's been preparing his aunt emotionally for this trial for three years. And that they've been reliving the shooting every day since.

A few days after the plea hearing, I met Hambrick at a park across the street from where Delke shot his cousin to death. Three years later, there's still a memorial on a street pole near the spot where he died.

And three years later, Hambrick tells me he's still waiting for justice.

SM:

"For you, what does justice look like? What would have been an outcome that would have felt like enough for you? Or is there anything that would have felt like enough?"

SH:

"My way of justice, I ain't gonna say it on here, you know, but yeah, by law, man, he should be life man. He should never be able to see the streets again. The man stopped and planted his feet, aimed like the call of duty and unloaded numerous of bullets into my cousin's life right here. And I was supposed to speak before Ms. Vickie Came, let her emotions get to where she let them go to and my letter to Delke was I wasn't going to ask no questions, why did you shoot him that many times or why did he even do that? That wasn't going to be none of my questions. I knew the real reason why. He couldn't catch him. Bad day, bad situation, he wasn't even chasing Daniel. The whole thing started, it wasn't even for Daniel. So as law and for law enforcement. He got tired on the foot chase. He got tired on the foot chase and that foot chase didn't last no time for somebody to get tired. It was a bad day on his back. Whatever he was going through is a bad day for Delke. And it was a total loss for us because we lost someone. But, yeah, that was my thing. I was going to say to him, you couldn't catch him man, and you took the easy way out. You could have called dogs, helicopters back up. I mean, we watch cops, we see it every day, live TV, Live Police. I watch Jail — 60 Day Jail In, all sorts of methods to stopping a suspect on foot besides unloading bullets into his back of his head and his back. That's a coward. And I was going to tell him he was a coward."

I asked Hambrick if he thought the district attorney also got scared and took the easy way out.

SH:

"Yeah, hell yeah. Hell yeah, man. And he put it in so many ways like it helped us so we wouldn't got hurt in the end with the, like, a hung jury or something like that. You can't make — you can't make that decision for a mother who lost her child, man. Let Vickie, let Ms. Vickie have the right to say, OK, yeah, we'll take that. Thank you for everything."

You don't, no, 'Hey, Glenn, what are you gonna get up outta this?' No. No. I mean, that hurtful, man. You already lost your son. Then you have no say-so of what they, how much time the officer is going to give you. It don't sit right."

District Attorney Glenn Funk is up for reelection next year. Hambrick wants him out of office.

Fetuga does too. She called Funk's decision to forego a murder trial "lazy." She couldn't understand why he would go through all the effort to take the case to a grand jury, prepare for a trial for three whole years and then just throw it all away at the last second.

RF:

"You don't do what Glenn Funk did. You just that that just isn't. I told him, I said, you pissed in a cup and then told us it was lemonade. Because that's what he did, he pissed in the cup and it was like, hey, this is lemonade and you might not like it. It might not be the sweetest lemonade, but it is lemonade because this is history. We're making history. We did not make history. This isn't history. He read a letter, was like, I'm sorry I killed your son and hopefully we can do better with police training. What would training have done for Andrew Delke? He was a hunter. He murdered Daniel Hambrick in cold blood. Just humanity, you know not to do that. I don't have to be trained to know that I shouldn't shoot you because you're running and you didn't do anything. I don't need a special training for that."

Black Lives Matter protests have spurred police departments here and across the country to rethink how they train officers. Some have added extra instruction hours for things like de-escalation, ethics and implicit bias training.

But even with all those classes at academy, Nashville police have shot five people this year, and two others shot themselves during encounters with officers. Five of the seven incidents were fatal, and five involved people of color. Those shootings are still under investigation, but the department has defended the officers' actions.

Delke's case was supposed to set a new precedent. To let citizens, *a jury*, decide whether an officer's use of deadly force was necessary. And Delke said in court that he hoped his guilty plea *would* lead to better training.

In this series, we've explored how the training Delke received seemed to set him up to shoot. And how it may have led him to believe he was doing the right thing when he pulled the trigger.

The department drills into officers' minds that their lives could be in danger at any moment. And that they should always be ready to use deadly force.

But Walter Searcy says the training needs to teach recruits to see everyone as a *person* first.

WS:

"If that's not what we lead with but instead we lead with demonizing the perp and the other names we ascribe to criminal actors, we're going to continue to have these problems."

For half a century, Searcy has watched the same cycle play out: a shooting, outrage and lingering frustration. The only other time he's ever seen an officer indicted for killing someone was back in the 1970s. That's when a white rookie officer named Jackie Pyle was charged with manslaughter for shooting an unarmed Black man.

Pyle faced the *same* charge that Andrew Delke pleaded guilty to. But his case ended in a mistrial. And he was ultimately convicted of less serious crimes: assault and battery.

In the end, Pyle was fined just \$10. Like Delke, he faced the minimum penalty for his crimes.

WS:

"So similar. So similar. So similar. Well, it just again demonstrates, as much progress as we like to think that we've made, there are things that make the progress seem anomalous and that the old norms just continue to persist."

RF:

"You can't reform policing."

Rasheedat Fetuga thinks it's bigger than just what recruits learn at the academy. She says no adjustments to the training or even a criminal conviction of an officer will save a system that she believes was built to harm Black people and continues to kill them at disproportionate rates.

RF:

"We're just too deep in. You know, we didn't create these ideologies, we didn't create these systems, but we participate. We're all participants. And the only way to to change things would be to dismantle, to dismantle policing and to reimagine public safety."

SM:

"Do you see that as being possible in this city in our future?"

RF:

"I think it's possible. I mean, I wouldn't be a community organizer if I didn't have hope.

...

But I do have hope. I imagine, you know, my five-time great grandmother, her name was Temperance. I learned about her through genealogy. And I imagine that she probably thought that her children and her grandchildren and her great, great, great greats would be enslaved in the way that she was enslaved. Her, I think it was her grandson or great grandson who was finally set free. And he was like 30. So, she died enslaved. She died away from her family. She never got to see it. And so, I will say, hopefully I will be here to see it. But. I'm not enslaved in the same way that she was, and so I do have hope."

Theme music in.

Credits:

WPLN News Investigates: Deadly Force is a production of Nashville Public Radio. Editing for this episode came from Chas Sisk, Emily Siner and Anita Bugg. The episode was written, produced and sound designed by me, Samantha Max. Damon Mitchell also contributed reporting. And a big thank you to the entire team at WPLN News.

Pool audio from the plea hearing comes from NewsChannel5. Other news tape comes from channel 5 and Fox17. Find all our coverage of the case at wpln.org. This is Deadly Force, a WPLN News Investigation.

