

FOR IMMEDIATE RELEASE

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Contact: David Raybin

615-256-6666

DRaybin@NashvilleTNLaw.com

Andrew Delke Guilty Plea Defense Team Statement

Nashville, Tenn. — This is a joint statement by attorneys David Raybin, John M. L. Brown, and Kristin Ellis Berexa. Each of us are in separate law firms; we and our support staff joined together to form a defense team representing Andrew Delke.

Earlier this morning, Andrew Delke pled guilty to a reduced charge of Voluntary Manslaughter, a Class C Felony. He received the minimum sentence of 3 years. With standard jail credits, he will serve about a year and a half. His sentence will expire at that time and he will get to go home. He will not be on any sort of probation or parole.

Pursuant to state law, Andrew Delke will serve his sentence at the local jail run by the Sheriff's Department here in Nashville. He will not be sent to the state penitentiary.

I have every confidence that Sheriff Hall will do everything possible to ensure Mr. Delke's safety.

Voluntary manslaughter is not murder. It is a lesser offense which occurs after what the law calls "adequate provocation."

Andrew Delke would like to thank everyone who supported him over the last three years. We have been absolutely overwhelmed by assistance from the law enforcement community and other concerned citizens, both locally and nationwide. The vigorous defense we have been able to provide would not have been possible without the generous moral and financial assistance from both the Fraternal Order of Police and numerous individuals across the country.

Mr. Delke has resigned from the police department, effective yesterday. He entered law enforcement to make difference. He graduated second in his class at the police academy. He will always be proud of his service and have respect for all officers who continue to serve in that honorable but very dangerous profession.

While many things about this case are unusual, the negotiated plea agreement today is not. Less than four percent of cases in Tennessee go to trial. Citizens facing substantial prison time routinely plead guilty to guarantee a reduced sentence.

Here, since the State charged Mr. Delke with First Degree Murder, he faced the risk of receiving a sentence of 51 calendar years without the possibility of early release. Following years of aggressive litigation we entered into negotiations with the State. There was nothing unusual or extraordinary about the settlement negotiations between the defense and the prosecutor, which occur in every case. As a result of those routine discussions, we were able to obtain a plea bargain where Mr. Delke will effectively serve just one-and-a-half years.

This was a difficult decision for Mr. Delke, his family, and the entire defense team. We wanted nothing more than to exercise his sacred right to trial and have a jury vindicate the split-second decision Mr. Delke made in accordance with his training.

But there is always great uncertainty about what a jury might decide in any given case. This case was particularly unpredictable. It is no secret there are some folks who do not like police officers and would love nothing more than to make an example out of one, regardless of the circumstances. Of course, there are other folks on the opposite extreme.

We hoped that a change of venue would reduce these concerns. Our motions to change venue were based on scientific polling — comparing opinions in this county with others. The riots and arson at the courthouse last year gave us concern not only for our safety but also that jurors would be worried more about reactions to their verdict than reaching the right result. The unfortunate events of this morning are proof of that.

The courts' denial of our requests to change venue factored heavily in our decision-making.

Considering the conflicting opinions within Nashville, influenced heavily by the public release of portions of the video, we thought there was a high chance of a hung jury. I understand the District Attorney expressed a similar opinion in his press conference this morning.

A hung jury would have resulted in a mistrial, and then a re-trial, causing this process to continue even longer than the 3 years it has already dragged on. Who knows how many re-trials we would have needed to have, or whether a later jury might have settled on a compromise verdict that could have resulted in a longer sentence than the one we accepted today.

These factors, among many others, impacted the decision regarding the negotiated plea bargain. Like thousands of other citizens each year, Mr. Delke made a choice in his best interest to avoid the chance of a devastating sentence which would have destroyed any chance for a normal life for him and his family.

We have all seen the video 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. Mr. Delke did not have those luxuries on the side of the road that day.

Had Mr. Delke not fired his weapon, we will never know exactly what Mr. Hambrick might have done to avoid being arrested. According to public records, Mr. Hambrick was a multiple time convicted violent felon. The evidence at the hearings established he was illegally possessing a loaded semiautomatic firearm while out on bond for numerous additional felony charges.

While Mr. Delke may not have known about all this at the time, Mr. Hambrick did. And he knew what would happen if he was apprehended. He would be subject to a significant federal prison sentence for being a felon in possession of a firearm. We have all heard news reports of felons who shoot police officers to avoid going back to prison.

But just as Mr. Delke did not know exactly what Mr. Hambrick might have done, we also do not know what a jury would have decided in this case. While we were optimistic for a full acquittal, there was also the possibility of a longer sentence or a hung jury and retrial.

If Mr. Delke was found guilty, we believe we had significant grounds to appeal and overturn the conviction. But Mr. Delke would have remained in jail during the appeal, and even then would have likely faced a re-trial years from now.

Mr. Delke's plea today gives closure and finality for himself and his family and—we hope—the community.

We can now look forward and hope for progress with the many issues facing our country.

Again, Mr. Delke appreciates the continuing support of everyone who has stood behind him. Thank you.