

COMPLAINT NUMBER: 2018-0643865

WARRANT NUMBER: GS869169

PROSECUTOR: Randy Martin
DEFENDANT: Andrew Delke
VICTIM: Daniel Hambrick

STATE OF TENNESSEE, COUNTY OF DAVIDSON
AFFIDAVIT
CRIMINAL HOMICIDE
T.C.A. 39-13-201

Personally appeared before me, the undersigned [Select one] Commissioner x Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one] x he she [Select one] personally observed x has probable cause to believe that the defendant named above on 07/26/2018 in Davidson County, did unlawfully kill the victim named above and upon him/her did commit an offense of criminal homicide. *The probable cause is as follows:*

On Thursday, July 26, 2018, Andrew Delke was an officer with the Metro Nashville Police Department, newly assigned to the Juvenile Crimes Task Force. On this date the particular charge of the Task Force was to look for stolen vehicles and certain known juvenile offenders.

While patrolling an area in and around the 37208 zip code in North Nashville, Officer Delke stopped at a stop sign at 10th Avenue North and Ponder Place. Shortly thereafter, a white four door Chevrolet Impala stopped at the stop sign at 10th Avenue North and Kellow Street.

Officer Delke became suspicious when the Impala stopped at the stop sign and conceded the right of way by not pulling out in front of him. When the vehicle finally did pull out onto 10th Avenue North, Officer Delke followed behind it. Officer Delke then ran the license plate and learned that the Impala was not a stolen vehicle. Nevertheless, because Officer Delke understood that part of the Task Force directive was to make traffic stops, he continued to follow to see if he could develop a reason to stop the Impala.

After some time, Officer Delke turned on his blue lights as the Impala pulled onto I-65 South at Rosa L. Parks Blvd. The Impala did not pull over. Officer Delke, following policy, turned off his emergency equipment and did not engage in a vehicle pursuit.

Officer Delke continued to follow the Impala from a distance. He observed it exit I-65 South and turn right onto Charlotte Avenue. He lost track of the Impala shortly thereafter. Officer Delke was never able to see the driver of the Impala or determine how many people were in the vehicle. Officer Delke then drove through nearby neighborhoods looking for the Impala. He pulled into an apartment parking lot and mistook a different white four door sedan for his target vehicle. Officer

Delke pulled into the lot quickly and stopped near this other car. Several individuals were in the area. As Officer Delke pulled up, one man, later determined to be Daniel Hambrick, began to run. Officer Delke immediately began a foot pursuit, yelling commands for the man to stop. Officer Delke did not know the identity of the man he was chasing. Officer Delke believed the man who was running may have been connected to the white car that Officer Delke misidentified as the target vehicle. He did not know with certainty if the man was connected to the misidentified white sedan, if he was connected to the target Impala, or if he was connected to either vehicle.

Officer Delke chased Mr. Hambrick through the parking lot towards Jo Johnston. As Mr. Hambrick neared Jo Johnston, Officer Delke saw a gun in Mr. Hambrick's hand. The two continued to run west, parallel to Jo Johnston as Officer Delke gave several commands, including: "Stop," "Drop the gun" and "Drop the gun or I'll shoot."

When Mr. Hambrick continued to run away and did not drop the gun, Officer Delke decided to use deadly force. Officer Delke stopped, assumed a firing position, and aimed his service weapon. He then fired four shots at Daniel Hambrick. One shot struck Mr. Hambrick in the center of his back and lodged in his spine. Another passed through Mr. Hambrick's left torso from back to front. A third bullet entered the back of Mr. Hambrick's head, traveled through his brain and lodged in the front of his skull. The other shot missed Mr. Hambrick and struck a nearby building. The Medical Examiner determined Mr. Hambrick's cause of death to be multiple gunshot wounds.

The District Attorney General of the 20th Judicial District has requested the TBI to present the facts in this case to this Magistrate.

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ESignature

Prosecutor: Randy Martin
222 2nd Avenue, North Suite 500

Nashville, Tennessee 37201
615 862-5500

A R R E S T W A R R A N T

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Homicide - Criminal FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 09/27/2018 12:18:26

Norman Harris
Judge of the Metropolitan General Sessions Court/Commissioner