

## **Driver in fatal river crash receives 5-year probation**

03/03/04

By SHEILA BURKE  
*Staff Writer*

Officer Paul Cleveland's family doesn't mind that the man who caused his death will spend no time in prison.

But they say it would be "unconscionable" for him to have a clean criminal record, as if the incident never happened.

Yesterday, Cleveland's family sat in Davidson County Criminal Court and watched former Metro Officer William Bishop plead guilty to two felony charges that stemmed from the accident that took Cleveland's life.

Cleveland, 28, drowned in September when Bishop, his best friend and roommate, sped out of control and plunged his vehicle into the Cumberland River.

Under a plea agreement made in consultation with the victim's family, the Davidson County district attorney's office let Bishop plead guilty to reckless vehicular homicide and reckless endangerment.

Criminal Court Judge Steve Dozier sentenced Bishop, 32, to five years of probation and stripped him of driving privileges for five years. He immediately resigned from the Police Department.

Cleveland's family accepted the deal but was troubled with the news that Bishop's attorney would be asking that he serve a special type of probation that would result in an expunged record.

"Although nothing would bring Paul back, our feelings on the plea arrangements have been — all along — that incarceration for (Bishop) would be nonproductive," Cleveland's mother, sister and aunt said in a statement last night. "However, expungement after a five-year probation is unconscionable and minimizes the life and death of a respected police officer and irreplaceable family member."

Bishop's attorney, Nashville lawyer David Raybin, said Bishop took full responsibility for causing the accident that killed his friend.

"This is a terrible thing that he did," Raybin said. "He regrets it. He's going to pay a price for the rest of his life."

Bishop had few comments outside the courtroom but said, "It's been hell," when a TV reporter asked how things had been for him.

While Raybin said Bishop takes full responsibility for the accident, he also said the felony charges could adversely affect his ability to find a job in the future. The district attorney's office will challenge Raybin's request at a sentencing hearing next month.

"We oppose his guilty plea being expunged," said Assistant District Attorney General Jim Sledge. "I couldn't say it any better than the family did," he said, adding that Raybin needs to prove Bishop deserves such a step.

In the courtroom yesterday, Sledge said, several witnesses told how Bishop was speeding on Howse Avenue off Neely's Bend the night of the accident. The street is about a half a mile long and has a 30 mph speed limit, the prosecutor said. A third officer involved in the accident said the car was racing from 80 mph to 90 mph.

The three officers, Bishop, Cleveland and Cody O'Quinn, were off duty and had just returned from a Hooters restaurant. Bishop lost control of his 2004 Pontiac Grand Prix, and it plunged into the river. Cleveland was unable to escape from the submerged car and drowned.

A blood-alcohol test taken two hours after the incident showed no alcohol in Bishop's system.

Bishop could possibly work for another police agency in Tennessee if his record is expunged. The Police Officer Standards and Training Commission (POST), which regulates most law enforcement in the state, would have to approve him.

A convicted felon cannot become a police officer, said Mark Bracy, executive director of the POST Commission. If anyone is granted post-trial diversion — the kind of probation that ends with an expunged record — the commission would have to grant the police applicant a waiver, Bracy said.

Raybin said he didn't think his client would want to become a police officer if his record is later cleared because a future employer would still have to be told of it.