

Former suspect still lives in fear

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Richard Shaun Piercy has lived in a world of constant paranoia since his mother was found dead at home in 2003 from a gunshot wound to the head.

His front door is nailed shut to keep someone from clandestinely slipping inside.

A pair of binoculars sits on a roll-top desk so he can occasionally peer outside. Windows are covered with dark blankets and curtains because he thinks someone is always looking in. He talks of buying a video-monitoring system to see who pulls into the driveway.

But it's not his mother's killer he fears, it's the detective who investigated the case.

For months, Piercy was considered the prime suspect in his mother's death — a death that medical examiners never concluded was a murder at all.

But according to an internal Metro police investigation that ended Friday, detective Elie "E.J." Bernard set out to prove that Piercy shot and killed his mother, Deanie Kelly, at the home on Guaranty Drive.

The case raises troubling questions about the tenacious tactics used by homicide investigators trying to crack difficult cases and what can happen if the investigator is wrong.

In Piercy's case, the 26-year-old Nashville man said, Bernard's single-minded pursuit of him turned his life upside down and ripped his family apart.

"He turned my whole family against me," Piercy said. "Not only did I lose a mother but I lost my family the whole time."

The 24-year detective retired Oct. 16 from the Metro Police Department amid an internal investigation into whether he used slurs about Piercy's sexual orientation and lied in reports to try to coerce a confession.

Bernard has declined to be interviewed by media, but his Nashville attorney David Raybin said that Bernard did nothing wrong in the investigation.

"He feels that he did his job and that he did not do anything improper," Raybin said.



GEORGE WALKER IV / STAFF

Richard Shaun Piercy complained about veteran Metro detective E.J. Bernard, who retired in October. According to an internal Metro police investigation that ended Friday, Bernard set out to prove that Piercy shot and killed his mother. Piercy fears that Bernard will seek retribution for his complaint and has nailed his front door shut.

Deanie Allie Kelly's badly decomposed body was found July 2003 lying in bed. A gun was at her side.

Medical examiners were unable to determine whether the death was suicide or homicide.

But Bernard, a colorful investigator with a history of cracking tough, high-profile cases, believed the death was a murder. He pointed to the fact that Kelly's dog was found alive, despite the length of time that passed before her body was found. Someone must have cared for the dog, he said.

He also noted the lack of gunpowder residue around the gunshot wound — residue that is typically found after a close range shot.

Bernard repeatedly told the woman's relatives about his belief that Piercy murdered his mother, the internal police investigation found.

The detective's conviction convinced some of Piercy's family members.

"I was scared of (Shaun) because of all of the things I heard," said Piercy's aunt, Diane Pugh. "Why would a detective like that with authority lie about that stuff?"

She cut off all ties with Piercy, believing for months that her nephew was a killer and was going to prison.

Piercy's grandmother, Dorothy Pugh, was among the relatives who always trusted that Shaun was telling the truth. She said her daughter had been severely depressed and had contemplated suicide numerous times over the years.

"The things detective Bernard told me weren't true," Dorothy Pugh said. "They (new detectives) had gone through the neighborhood and talked to the neighbors and none of them had seen Shaun go in and out of the house. Yet, he tried to put doubt in my mind. How do you think that made me feel?"

In the weeks before her death, Kelly told her mother that she wanted to die.

But the investigator persisted, relatives said.

During the investigation, Piercy's grandmother said Bernard tried to persuade her not to let her grandson inside her home.

Relatives said they were told that the medical examiner had concluded that Kelly's death was a homicide. The medical examiner denied reaching such a conclusion.

At one point, Piercy was at home throwing a birthday party when he received a telephone call from the detective, he said. The detective threatened to use SWAT officers to tear gas the home. Then, Piercy said, someone banged on a window, shocking the guests and terrorizing Piercy.

"I still don't know — to this day — I don't know why E.J. was questioning me and why he was so fixed on me," Piercy said. "... He wouldn't give me any information."

According to the final report of the internal investigation, released Friday, Bernard's investigation violated police policies because he used discrimination, intimidation and filed false and inaccurate reports.

Piercy said he passed a polygraph test administered by Metro investigators after Bernard was removed from the case. Police say they can't discuss results of the polygraph exam but insist that Piercy is not a suspect in the death.

"Based on his full cooperation and doing everything that we asked him to do after the case was reassigned, we do not presently believe, based on everything we know at this moment, that he was involved in the death of his mother," Metro police spokesman Don Aaron said.

But some of Piercy's family members still aren't convinced that Bernard's investigation was flawed.

"He never misrepresented anything (in) any way," said Billy Pugh, Piercy's uncle.

Another of Kelly's brothers, Richard Pugh, 40, said he still has major questions and blames Piercy for the death.

Police said they are planning for a full review of the case to bring the family closure. If police conclude that Kelly's death was a suicide, the case will be closed, police said.

Department officials said that because Bernard retired during the internal investigation, they were never able to interview him about his work in the case. He is also no longer subject to department discipline.

Piercy said he never wanted any trouble for Bernard, only for the officer to treat him fairly.

Since the probe shifted focus, Piercy said, he is having trouble getting his life back together.

He stopped working during the investigation and hasn't held a steady job since, he said. He also undergoes counseling.

"I don't know what it will take," he said.

"Right now, I'm turning into a serious alcoholic. I'm drinking uncontrollably. I've tried to get checked-in to mental rehabilitation. But I just can't seem to move on with my life."