

Police waited 2 hours to test accused officer

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Lawyer agrees with police that delay normal

Two hours passed before the blood-alcohol level was tested for a Metro police officer who plunged his car into the Cumberland River, killing a fellow cop.

But the Police Department said that the delay could not be avoided and that officials had treated Officer William Bishop just like any other citizen.

"We were still worried about the person that was missing in the river," said Lt. Bob Lyons, who maintains that police and firefighters were too busy trying to find Officer Paul Cleveland, who was trapped inside the car.

"Chances are he probably was deceased," Lyons said, "but we didn't know that. We were hoping for the best."

Rescue workers recovered the body of Cleveland, 28, about 90 minutes to two hours after the car plunged into the river in Madison near 9 p.m. on Sept. 7.

One legal expert said it is usual for police to take at least an hour to test someone's blood-alcohol content after a fatal accident.

"It's probably going to be at least an hour and, depending on the circumstances, it may even be longer," said Nashville attorney Mike Fox, who represents many clients accused of driving under the influence.

Lyons said there were indications that alcohol had been consumed by all three officers in the wreck. Bishop, Officer Cody O'Quinn, 28, and Cleveland had been drinking at a Hooters restaurant in the RiverGate area just before the incident, Lyons said. Bishop's attorney, David Raybin, has said that his client had two to three beers and was the designated driver. Raybin also denies that his client was drunk.

"I talked to him that night and he was not intoxicated, and I think that's what the blood test will show," Raybin said. He also said that police have videotaped and audiotaped interviews with his client and that they will show that Bishop was not intoxicated.

Lyons also said Bishop was given field-sobriety tests that night and "he did have some glitches on a few of them, but he passed quite a few others." However, if Bishop was legally intoxicated when he wrecked his car, the test results will bear that out, he said.

It will be several weeks before the blood-alcohol tests come back. Fox said he thinks that Bishop could still have problems even if he was not considered legally drunk at the time of the accident.

Bishop could face a variety of charges, depending on whether the state finds that he was legally intoxicated when he wrecked the car, the attorney said.

"He could be charged with vehicular homicide, and that's just by recklessness without intoxication," Fox said.

The potential charge is a class C felony that could result in as many as three to 15 years in prison and fines up to \$10,000 on conviction, he said.

"If the state could prove he was above the legal alcohol limit, then that would be bumped up to a class B felony, vehicular homicide by intoxication," Fox said.

Such a felony carries up to eight to 30 years in prison and a fine not to exceed \$30,000. Lesser charges that Bishop might face are reckless homicide or criminally negligent homicide, Fox said.

The crash happened about 150 yards away from Cleveland's and Bishop's home on Howse Avenue. Raybin characterized the three officers as best friends.

Witnesses said Bishop's car was speeding down the half-mile, two-lane road when it crashed into a guardrail and plunged into the river.

Bishop and O'Quinn, the front-seat passenger, escaped through the car's sunroof.

If anything, Fox said, he thinks the department will take a harder look at Bishop because he is a police officer.

Raybin said he thinks the police and the district attorney's office will be fair and his client accepts full responsibility for what happened.

"He absolutely accepts responsibility and no one else was to blame but him and he acknowledges that and he is extremely sad about what happened. When I talked to him that night and in my office the next day, he was in tears by what had occurred, and he's still devastated by this."