

## Appeals court rejects Headley's argument for 'judicial diversion'

Former sheriff plans to ask Tennessee Supreme Court to review the case

*By Mitchell Kline The Tennessean* September 29, 2009

NASHVILLE — The state's Court of Criminal Appeals has affirmed a judge's decision to deny former Williamson County sheriff Ricky Headley's request for judicial diversion.

Headley's criminal record could have been cleared after serving five years of probation if the request for diversion was granted.

On Feb. 13, 2008, he pleaded guilty official misconduct and four counts of simple possession of fraudulently obtained prescription painkillers from a Nashville pharmacy. Headley also resigned from the Sheriff's Office as a condition of the plea agreement. Headley said he became addicted to painkillers while suffering from back pain.

He was accused of going to the pharmacy to pick up medication without a prescription while in uniform and while driving a county-owned vehicle. It was noted in an opinion issued today from the Court of Criminal Appeals that Headley "continued to act as sheriff after he recognized that he had a drug problem, even asking his secretary to take a county-owned vehicle to pick up his illegal prescriptions."

On March 24, 2008, Judge Kerry Blackwood denied Headley's request for diversion, saying elected officials should be held to a higher standard.

"That's what makes this different from an ordinary person who becomes addicted," Blackwood said. "They never asked for that trust and never made a promise to uphold the law."

Headley appealed that ruling and his case was presented to the Court of Criminal Appeals on April 21. An opinion signed by Court of Appeals Judge Jerry L. Smith states that Blackwood did not abuse his discretion in denying Headley diversion.

Headley's attorney, David Raybin, said today that he would soon be filing another appeal, asking the Tennessee Supreme Court to look at the case.

"We have already decided if the decision is of this nature we would appeal, not just this case, but to the broader position that public officials simply don't get these diversions. I thought there was a very strong argument to be had that Ricky should have been put on diversion. There is nothing in the legislation that excludes public officials from judicial diversion," Raybin said.

The opinion outlines Headley's dealing with Brooks Pharmacy, which has been closed. It states that he obtained pain pills from the pharmacy between September 2006 and January 31, 2007, when the Tennessee Bureau of Investigation arrested him. His secretary picked up prescriptions at least three times. Headley came to the Sheriff's Office in an impaired condition, staggering and appearing unsteady on his feet on more than one occasion, according to court records.