

Former sheriff Headley plans to take drug case to Supreme Court

By Mitchell Kline September 30, 2009 THE TENNESSEAN

NASHVILLE — For a second time, former Williamson County Sheriff Ricky Headley's attempt to get his criminal record cleared has failed.

On Tuesday, the state's Court of Criminal Appeals issued an opinion affirming a judge's decision to deny Headley judicial diversion, which would allow his convictions in a prescription drug case to be cleared from the records after completing five years of probation. Headley's attorney, David Raybin, said he wants to present the case to the Tennessee Supreme Court.

The former lawman pleaded guilty on Feb. 13, 2008 to official misconduct and four counts of simple possession for fraudulently obtaining prescription painkillers from a Nashville pharmacy. Headley also resigned from the Sheriff's Office as a condition of the plea agreement.



Ricky Headley listens to his attorney, David Raybin during a press conference after he pleaded guilty to five misdemeanor charges in Williamson County Circuit Court in Franklin, Tenn. on Feb. 13, 2008. As part of his plea agreement he resigned his office. Headley was arrested in January 2007 in a sting of a Nashville pharmacy that was accused of illegally distributing thousands of narcotic painkillers.

Lawyer to appeal broader issue

Raybin said on Tuesday that he would soon be filing another appeal, asking the state's 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."

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 the drugs 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.

Sheriff blamed pain for addiction

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 the opinion 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.