Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-1999, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Paul Garrett against the Metropolitan Government and its employees in the amount of $1,200,000.00, with said amount to be paid from the Judgments and Losses Fund.

WHEREAS, Paul Garret filed a lawsuit against the Metropolitan Government and its employees alleging Fourth, Sixth, and Fourteenth Amendment violations arising out of his wrongful conviction on June 20, 2003, and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that any and all claims or causes of action brought or that could have been brought by Paul Garrett related to the events detailed above be compromised and settled for $1,200,000.00, and that this amount be paid from the Judgments and Losses Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the claim of Paul Garrett for the sum of $1,200,000.00, with said amount to be paid from the Judgments and Losses Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

In August 2001, Paul Shane Garrett was arrested for the murder of Velma Tharpe, who was murdered in June 2000. Mr. Garrett was interrogated on four separate occasions in August of 2001 about the murder after being identified by another woman as the man she believed had raped her. Mr. Garrett made incriminating statements during these interrogations, including that he had previously had sex with Ms. Tharpe and that he had put his hands around her neck. Mr. Garrett denied murdering Ms. Tharpe.

Mr. Garrett was arrested based in part on the statements he made implicating himself as well as his identification of a photograph of Ms. Tharpe. However, DNA collected from Ms. Tharpe's body did not match Mr. Garrett's DNA. He was arrested for the rape of the other woman and Ms. Tharpe's murder and was indicted by a grand jury. Mr. Garrett ultimately pleaded guilty to voluntary manslaughter and was sentenced to 15 years in prison in June 2003. Mr. Garrett was released from prison on December 18, 2011.

In 2011, two MNPD detectives were reviewing old homicide files for an unrelated matter and discovered a TBI communication from 2004 stating that there had been a CODIS hit on the DNA taken from Ms. Tharpe's body, which matched a different individual. MNPD's cold case unit strongly advocated to the District Attorney's Office for Mr. Garrett's conviction to be set aside. Based on the MNPD cold case unit's work and the advocacy of the District Attorney's Office, Mr. Garrett's conviction was vacated through post-conviction proceedings on August 2, 2021.

Mr. Garrett is suing the individual MNPD detectives involved in his investigation and prosecution as well as the Metropolitan Government. Based on the cost for the officers' private counsel to take a case through trial, the number of attorneys representing employees, the anticipated cost of expert witnesses, and the likelihood of the case reaching trial on at least some claims, the Department of Law anticipates the cost of defense far exceeding $1,000,000.

The Metropolitan Department of Law recommends settlement of Mr. Garrett's claims against the Metropolitan Government and its employees for $1,200,000.

Fiscal Note: This $1,200,000 settlement would be the 4th payment from the Judgment and Losses Fund in FY23 for a cumulative total of $1,865,339. The fund balance would be $15,464,131 after this payment.

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