

January 24, 2006

RUTH HOLLADAY

Leaf case should send signal to police

There is no rejoicing for the family of John Leaf, despite their decision last week to forgo a trial and accept an unprecedented settlement of \$950,000 from the city in the police shooting death of their loved one.



As "victories" go, this is a hollow one -- unless the community understands that the loss of the 35-year-old stockbroker killed in his home by a Marion County sheriff's deputy is bigger than one man, one family.

"The Leaf family pursued this so that it does not happen to another person," said John Prince, an assistant professor of English at Ball State University and a brother-in-law of Leaf.

"This is not just about justice for John Leaf, but it is about proactive justice. It sends a message that law enforcement officers may not act in a cavalier manner as concerns the civil rights of individual citizens."

Cavalier is too decent a word to describe what happened the night of May 5, 2001, but then, the Leafs are decent people.

John Leaf -- fun-loving and well-liked, known for his generosity, kindness and zest, say those who knew him -- had been drinking in Broad Ripple. Rather than risk driving, he gave his keys to a buddy, then took a taxi to his Northside apartment.

Once there, without his door key, he began the process of breaking into his home. Neighbors heard sounds, came out and talked to Leaf, who told them who he was and what he was doing. Still, one neighbor called police -- not to report a burglary but so that Leaf's ID could be verified.

The first officer to arrive was Andy Jacobs, a town marshal with the Meridian Hills police. Next, at 1:30 a.m., Deputy Ronald Shelnut of the Marion County Sheriff's Department pulled up. Three minutes later, at 1:33 a.m., Leaf was dead.

The police version of events is that the officers entered the darkened apartment through an open patio door, proceeding to the bedroom. Leaf then leaped out of bed and lunged at Shelnut with a knife. Shelnut fired four times, hitting Leaf three times.

The Leaf family and their attorney, Steve Wagner, dispute that account at several levels. First, Leaf's blood-alcohol content was 0.212, more than double the amount at which a person is legally considered to be intoxicated in Indiana.

"We find it incredible that a man surrounded by two sober officers was able to suddenly sit up and pull a 15-inch knife from behind his back, swivel around and come out of bed in one motion," said Wagner.

Leaf was shot first in the right shoulder, which would have forced him to drop any weapon. As for the knife, it had no fingerprints on it, said Wagner.

"John Leaf was the innocent victim of police excessive force," said Prince.

Attorney Tony Overholt represented the Sheriff's Department and Shelnut.

"First, this case was settled, it was not tried. So contrary to what Mr. Prince said, there has been no determination that Deputy Shelnut or the Marion County Sheriff's Department did anything inappropriate."

That is the sort of attitude the Leaf family will decry forever.