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LONG LEGAL BATTLE ENDS

\$950,000 settlement in police shooting

As trial starts, Marion County agrees to deal

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A nearly million-dollar court settlement over the police shooting of an Indianapolis stockbroker sparked controversy Wednesday, just as the killing did nearly five years ago.



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Show of support: Tricia Leaf-Prince is the sister of John Leaf, who was killed by a sheriff's deputy in 2001. She and family friend Mark Loose (background) were among those who learned of a settlement in the shooting Wednesday. - Matt Detrich / The Star

The legal battle ended with the victory for the family of 35-year-old John Leaf, who was shot in his Lake Nora Arms apartment on Indianapolis' Far Northside in 2001 by a Marion County sheriff's deputy.

Marion County and the Leaf family reached the \$950,000 settlement on the day of jury selection before U.S. District Judge Larry McKinney, who previously had ordered that about \$74,000 be paid by the Sheriff's Department as a penalty for delays in providing documents about the case.

Leaf's 6-year-old daughter, Charmayne, will receive the bulk of the settlement money through probate court after the attorneys' fees are paid.

The stockbroker's death spurred community outrage. Just after the May 5 shooting, about 60 people picketed the 500 Festival Parade calling for more oversight of sheriff's deputies. A grand jury and a departmental review board cleared Deputy Ronald Shelnett in the death.

On Wednesday, Tony Overholt, who represented the Sheriff's Department and Shelnett, said the settlement was for the best. "In a case like this, there's always a chance the jury might disagree with our position. We settled for less than what a jury possibly could have awarded."

Larry Leaf, the stockbroker's father, said Wednesday that the payout proves his son did nothing wrong. "John was a victim, not a villain," he said.

The Leaf family and their attorney, Stephen Wagner, decried what they described as character assassination of John Leaf by some in law enforcement after the shooting.

"They responded by attacking," suggesting he was a drunken, suicidal man, Wagner said. "From the very start, (the Sheriff's Department) backed the officer, circled the wagons and then refused to provide us the evidence we needed."

Vince Huber, president of the Fraternal Order of Police, said the Sheriff's Department was trying to avoid a trial.

"If we had went to trial, we would have found, based on the facts, that Deputy Shelnett did nothing wrong," Huber said. "Leaf was out of control. He created a very dangerous situation for the deputies trying to rightfully do their job."

More and more frequently, Huber said, governments are choosing to settle when it comes to excessive-force lawsuits, as opposed to defending the officers. He said they want to avoid public trials that might portray police agencies in a poor light.

Court records in the Leaf lawsuit showed Shelnett had been involved in several incidents. In June, he was criticized for getting involved in a dispute that began at the Verizon Wireless Music Center in Noblesville. The Fishers Police Department complained to the Sheriff's Department that Shelnett showed up in uniform at the Fishers department to find a Fishers officer who had confronted two of Shelnett's friends at a Verizon concert.

"Corporal Shelnett's involvement in this incident is inexcusable," Lt. Benny Diggs, Shelnett's supervisor, wrote in that memo, part of the court record.

Sheriff's Department records filed in the Leaf lawsuit also reported that Shelnett pulled over a car for speeding in June 2004. He rushed to the vehicle, pointed what the driver believed to be a handgun at his head, pulled the driver out, pushed him to the ground, put his knee on the driver's back and handcuffed him. The driver in the case filed a complaint of excessive force, according to court documents. Internal Affairs found Shelnett committed conduct unbecoming an officer.

In April 1995, Shelnuttt allegedly pointed a gun at teenagers in a car who were playing their stereo too loudly in front of his house in April 1995. Shelnuttt said he aimed the weapon at the car's tire, according to records in the Leaf case.

The Leaf shooting grew from a night of drinking by John Leaf and his friends on May 4, 2001. Because he'd had too much to drink, he called a cab to take him home and gave his car keys to a friend.

Without his keys to get in his first-floor apartment, Leaf broke a window, entered and went to bed. Shortly after 1 a.m., Shelnuttt and a special deputy showed up at Leaf's apartment after they received a report of a break-in. They say they entered the apartment, announced themselves and found Leaf in bed, where he had been sleeping.

Leaving the room darkened, Shelnuttt pointed a flashlight at Leaf. Deputies said Leaf then grabbed a hunting knife he kept by the bed and lunged at Shelnuttt. The deputy shot Leaf three times.

Shelnutt and Marion County Sheriff Frank Anderson declined to comment Wednesday on the settlement.

The Sheriff's Department settled after the plaintiffs requested additional sanctions for the agency's slowness in producing other documents, and after Judge McKinney expressed displeasure during a hearing Tuesday at the continuing problem.

For the Leaf family, the settlement brings some closure, if little peace.

Martha Leaf, John's mother, says she has never spoken to Shelnuttt. She does not seek an apology. "They can't apologize for this."