

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-70-1957

Date APR 15, 2010

To: Chief, Criminal Section

Re: Officer William Henry Taylor,
Chattanooga Police Department
Chattanooga, Tennessee - Subject;
John (Larry) Bolden (deceased) - Victim
CIVIL RIGHTS

It is recommended that the above case be closed for the following reasons:

I. Synopsis

On May 3, 1958, John (Larry) Bolden, a 15-year-old African-American high school student, was fatally shot by Officer William Henry Taylor of the Chattanooga Police during an altercation in South Chattanooga, Tennessee. The incident began when a resident complained she was being "annoyed" by several youths. Officer Taylor and his partner, Lester Lee Shell, responded and confronted the victim, his XXXXXX and his XXXXXX. Shell communicated with XXXXXXXXXXXX and Taylor attempted to arrest the victim. According to the subject, the victim "jumped" him. The subject then struck the victim with a nightstick and the victim threw a trash can at the subject. In response, the subject fired his gun three times, striking the victim twice in the chest. The victim died in the hospital the next day.

Karla Dobinski
Attorney

To: Records Section Office of Legal Administration

The above numbered file has been closed as of this date.

4-15-10

Date

Acting Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

The victim XXXXXX reported that the subject slapped the victim in the face and hit him in the head with a club, and the other officer also hit the victim with his club. The victim XXXXXX corroborated the XXXXXX account.

The Coroner issued a presentment alleging that the victim died as a result of having been shot by the subject, after the victim apparently picked up a trash can and attempted to strike the subject with it. According to the presentment, the victim's cause of death was a bullet wound through his heart. Documents in a county court file indicate that several residents and police officers were summoned to testify before the Hamilton County grand jury. The subject was then charged with voluntary manslaughter in the Hamilton County Criminal Court. He was tried by a jury. Based on the jury instructions read by the judge, it appears that the subject testified at the trial and claimed he shot in self-defense. The jury found him not guilty.

II. Federal Investigation

In October, 2007, the Federal Bureau of Investigation (FBI) initiated a review of the circumstances of the victim's death, pursuant to the Department of Justice's "Cold Case Initiative." The FBI obtained a contemporaneous newspaper article dated May 5, 1958, describing portions of the above incident. After searching the relevant databases, the FBI obtained a death certificate for the subject, reflecting his death from natural causes on January 16, 1975. The FBI also obtained the death certificate for the subject's partner who died from natural causes on May 9, 1997. In addition, the FBI located and provided a copy of a county court file for the criminal case in which the subject was charged.

III. Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, the federal government cannot prosecute the subject because he is deceased. Second, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 242, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the Ex Post Facto Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

IV. Conclusion

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Criminal Division Chief Steven H. Cook of the United States Attorney's Office for the Eastern District of Tennessee concurs with this recommendation.