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# Canceled warrant let fugitive go



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## Despite his arrests in 1980s, state didn't realize mistake until 1997

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An arrest warrant for an escaped Tennessee murderer was inexplicably canceled in the mid-1970s, allowing him to

remain at large for 22 more years, despite being repeatedly arrested and set free in Nashville.

The Tennessee Highway Patrol somehow assisted in

clearing the escape warrant for Billy Wayne Hayes, who walked away from a Nashville prison work detail in 1972, state prison officials said Monday.

Hayes' three decades on the lam ended Friday night at a gas station near Dothan, Ala., where he was picked up by U.S. marshals who received a tip.

He was arrested and released three times in the early 1980s in

the Nashville area, and on Monday, officials with the THP, Tennessee Bureau of Investigation and Tennessee Department of Correction were piecing together old reports and records hoping to figure out what went wrong.

"From our standpoint, we would have liked for him to

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**Billy Wayne Hayes, seen in 1968 and 2006, was captured Friday after escaping in 1972.**

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return to us when he was arrested in the early '80s," TDOC spokeswoman Dorinda Carter said. "We still don't know what happened. We're still trying figure it out."

### Warrant mistakenly withdrawn

Under current procedures, the arrest warrants are entered into a national database so that

law enforcement in any jurisdiction can learn quickly that a person arrested is a fugitive. But no safeguard exists in the event an arrest warrant is mistakenly canceled.

The state officials could not immediately say what types of records still exist or when they might have an answer about the cause of the problem.

According to a 1997 TDOC report, Hayes' warrant was cleared in 1976 by the state highway patrol, Carter said. At

the time, the TBI was part of the THP, and many of the key documents are believed to be in the custody of the TBI.

State prison officials on Monday refused to make their report public, saying they are internal investigative files.

Hayes, now 57, was originally arrested in July 1967 in connection with the shooting death of William Howard Ferguson, a Nashville paint contractor. Police said Hayes, then a teenager, had been involved

in a fight with Ferguson's two sons.

A few weeks after the fight, Hayes and two other men allegedly drove to Ferguson's home on Fourth Avenue and fired five shots at Ferguson's sons, who were standing on their front porch with their father and another man.

The bullets missed their targets, according to published reports, but one hit William Ferguson in the forehead. He later died at Nashville General Hospital.

Hayes was tried and convicted of second-degree murder the next year.

In 1972, four years into a 10-year sentence, Hayes walked away from a work detail in Nashville and disappeared.

### Fugitive repeatedly arrested and released

Ten years later, he was arrested for public drunkenness and drug possession in Nashville, said Roger Moore, assistant Davidson County dis-

trict attorney. Hayes paid a fine for the possession charge, Moore said.

His next brush with the law occurred in April 1983 when he was booked on a charge of aggravated assault. The case was retired the following month, Moore said.

He was arrested again in September 1983 on a charge of driving on a suspended license, and a judge dismissed that case in December 1983, Moore said.

State prison officials realized in 1997 that the arrest warrant for Hayes had been cleared by mistake. At the time, authorities received a tip that Hayes was living in Alabama with his mother and contacted the Tennessee Highway Patrol and the FBI to investigate Hayes' whereabouts, said Carter of the TDOC. The response from the two agencies was that Hayes' arrest warrant was no longer active.

"Between those two agencies, they determined that the warrant had been purged," Carter said.

Alabama officials plan to prosecute Hayes on a cocaine case, and local officials said it could be a couple of days before they know when to expect him returned to Tennessee.

Officials from the Tennessee Department of Correction plan to request that the Davidson County district attorney's office pursue escape charges against Hayes, Carter said. Hayes also could face punishment for breaking prison rules, but the department is reviewing what the procedures and policies would have been in 1972 for dealing with escapees.

Moore, the prosecutor who will review the case and decide whether it should be presented to the Davidson County grand jury, said the case should serve as a warning to fugitives.

"I think it goes to show that no matter how long and how far somebody runs, until we catch up to them, it's still hanging over their heads," he said. Contact Christian Bottorff at 726-8904 or cbottorff@tennessean.com.