

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE : CASE NO. 307487
:
vs. :
:
JANET ELAINE HINDS. : DIVISION III

MOTION FOR NEW TRIAL

Comes now defendant, Janet Elaine Hinds, by and through counsel pursuant to Tennessee Rule of Criminal Procedure 33 and moves this Honorable Court to grant her a new trial.

AS GROUNDS:

- (1) The Court erred in denying the defendant's Motions to Suppress the Searches of the Defendant's House and Defendant's car;
- (2) The Court erred in limiting the cross-examination and in excluding evidence regarding the defense's calculations of blood alcohol levels during the novel testimony of TBI Director Mark Lyttle, who testified this was the first time he had ever used this method to extrapolate a blood alcohol level of a defendant. This ruling precluded the defendant from introducing as an exhibit a chart of the calculations using alternative, but recognized, variables, including providing to the jury the calculations using the Widmark formula with an accurate weight, alternative but recognized rho values, and alternative but recognized elimination rates;
- (3) The Court erred in allowing the videos of Officer Warren traveling Hamill Road to come into evidence because they were taken nearly two and a half years after the accident, during the daytime, and under significantly different circumstances than the night of the accident which was misleading to the jury;
- (4) The Court erred in giving a flight instruction in this case;

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(5) The Court erred in its instruction to the the jury on proximate cause and intervening cause and erred in not giving an instruction on these causes as requested by the defendant;

(6) The Court erred in allowing a life photograph of Officer Galinger to go back to the jury room with the jury during their deliberations over objection by the defense;

(7) That insufficient evidence was presented by the State to prove vehicular homicide by intoxication or DUI;

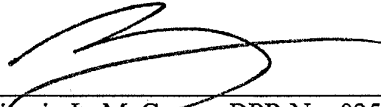
(8) The defendant was denied a fair trial by the combination of all the foregoing errors; and

(9) The Court erred in sentencing the defendant by imposing an excessive sentence by not giving enough weight to mitigating factors and relying too heavily on one enhancement factor.

WHEREFORE, the defendant prays that she be granted a hearing on this Motion and that upon said hearing that she be granted a new trial in this cause. Further, defendant respectfully requests and reserves the right to amend this motion with additional grounds prior to the hearing.

Respectfully submitted,

JANET ELAINE HINDS
By and through defense counsel,



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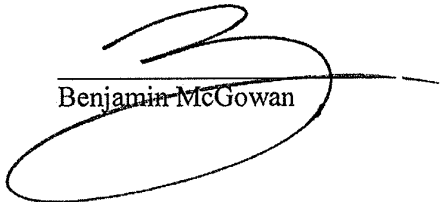
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document has been duly served upon:

NEAL PINKSTON
CAMERON WILLIAMS
District and Assistant District Attorneys
600 Market Street, Room 310
Chattanooga, TN 37402

either by hand delivery or by placing a copy of same in the United States mail, properly addressed with sufficient postage affixed thereto to carry same to its destination.

This 25th day of February, 2022.


Benjamin McGowan