

the State of Tennessee. On Monday morning February 25, 2019, the defendant surrendered to authorities with the presence of her counsel. Later on Monday February 25, 2019, defense counsel and the State of Tennessee appeared before the Honorable Christie Sell, Hamilton County General Sessions Court Judge, wherein arguments for bond were made and the Court set a collective bond of \$300,000. A preliminary hearing in the above-captioned case numbers has been set for Tuesday March 5, 2019 before the Honorable Christie Sell. Prior to the preliminary hearing, defense counsel filed a motion to reconsider bond.

Review of Release Decision

Tennessee law pertaining to review of release decisions states “If the action to be reviewed is that of a court from which an appeal lies to a court inferior to the supreme court or court of criminal appeals, review shall be sought in the next higher court upon writ of certiorari.¹ Defense counsel has failed to properly file a writ of certiorari in this case.

Timeliness of Motion to Reconsider Bond

Defense counsel has filed the motion to reconsider bond prior to the preliminary hearing in this matter. After hearing proof from the State of Tennessee during the preliminary hearing, the defendant’s bond conditions can be either ratified or amended by the Judge in light of the evidence. The preliminary hearing date is only six days away and it would be more appropriate to hear motions regarding bond at the conclusion of the hearing. At present, defense

¹ Tenn. Code Ann. § 40-11-144 (b)

counsel's motion if taken up prior to the preliminary hearing would require the State of Tennessee to offer witnesses and proof at a bond hearing and then also present the witnesses and proof at the preliminary hearing. Such is an undue burden on the State of Tennessee and should not be allowed.

Bail Factors to Be Considered by the Court

Tennessee law mandates that certain factors be considered when setting bail. ² In the motion to reconsider bond, defense counsel asserts factors that could be favorable to the defendant. However, no proof has been offered by defense counsel to support these assertions in particular to Factor No. 6 contained in the motion to reconsider bond where counsel claims "That the death of Officer Galinger was a tragic accident not proximately caused by any conduct of the defendant. The reality of the death is terrible but the defense expects to show myriad factors---having nothing to do with Ms. Hinds---were the legal cause of the accident. These included road conditions, lighting, weather, inadequate signage, among others."

Context and Chronology of the Case

In the motion to reconsider bond, defense counsel argues a certain chronology of events to convince a court that flight doesn't apply to the defendant. On Sunday February 24, 2019, defense counsel spoke with the District Attorney General and also to the Executive Assistant District Attorney. Defense counsel indicated the defendant wanted to cooperate with law enforcement authorities and also turn herself into authorities. However, the defendant had already pre-

² Tenn. Code Ann. § 40-11-118

determined when she was going to turn herself in. As stated in the motion to reconsider bond, counsel announces “During the resulting afternoon meeting it was decided that she would turn herself in the next morning if a warrant had by that time issued.” It appears the defendant was under the misguided notion she could determine when to surrender to authorities.

As previously stated, defense counsel advised the District Attorney General the defendant desired to cooperate. Despite the claim of cooperation, the defendant declined to speak with law enforcement authorities about the events surrounding the death of Officer Galinger and her subsequent flight from the scene. Defendant also declined to provide keys to her damaged automobile until surrendering to authorities. Even in the broadest sense of the term, a reasonable person would fail to see how the defendant cooperated with law enforcement. Perhaps, the defendant thinks she cooperated by surrendering to authorities after she appeared on the TBI’s Top Ten Most Wanted. On Sunday night after securing warrants for her arrest, law enforcement officials contacted several of her family members to find the defendant’s whereabouts to serve her with the warrants. Law enforcement officials were told her whereabouts were unknown. Throughout the night, law enforcement officials received several tips on the defendant’s whereabouts but were unable to substantiate the same.

Record of Flight to Avoid Prosecution

One of the bond facts to consider is the defendant’s record of flight to avoid prosecution. The defendant claims she cooperated and turned herself into authorities. These assertions fail to take into account that the defendant never

stopped her automobile after striking and killing Officer Galinger at a high rate of speed. She fled the crime scene to an unknown location and again never contacted 911 about her involvement in this crash. On Sunday February 24, 2019, law enforcement officials located the damaged automobile at 207 Port Drive Chattanooga, Tennessee, which was determined to be the defendant's residence.

The defendant was not present at her house and her whereabouts were known only to her. For reasons known only to the defendant, she decided to flee the crime scene and subsequently hid out at an undisclosed location(s). Her record of flight to avoid prosecution should be weighed heavily in determining bond.

Excessive Bond Claim

In the motion to reconsider, counsel argues the present bond is excessive and is tantamount to being held without bond. Counsel fails to explain why the bond is excessive to the defendant and also fails to state what financial resources are available to the defendant to make a bond. Defendant is only entitled to a reasonable bond which has been set. There also has been no showing that the present bond was set to prevent the defendant from gaining her freedom as opposed to setting a bond to reasonably assure her appearance in Court.

Conclusion

The State asks this Honorable Court for an order denying the motion to reconsider bond.

Respectfully submitted,



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Certificate of Service

I certify that a true and exact copy of the foregoing pleading has been duly served this the 27th day of February, 2019 to:

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