



DUI NEWS

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TRAFFIC FATALITY INCREASE WARM WINTER AND MOTORCYCLES KEY FACTORS

As 2012 grinded to a halt the traffic fatality numbers disappointed us. While 2011 was heralded with the great news that fatalities were lower than they had been since John F. Kennedy was our President, 2012 has seen more deaths on the roadways. This year 1019 people died, an increase of 82. It could have been much worse. After an unseasonably warm winter fatalities were up 33% percent at the end of March. In the first three months of 2011, 80 people had died. By the end of March in 2012 we had lost 107. Fortunately, the trend did not continue through the year.

There was a large increase in the number of motorcyclists who died this year. Much of that increase also occurred in the first three months. There were 11 motorcyclists killed between January and March in 2011 and 24 in 2012, a 118% increase. Through the year the increase was 21%. About 20% of motorcyclists killed had alcohol in their systems, which is lower than the percent-

age of auto drivers, but still ridiculous. According to the Tennessee Integrated Traffic Analysis Network (TITAN) 246 persons died in alcohol related crashes which accounted for 24% of all fatalities.

Saturday and Wednesday were the days on which more fatalities and alcohol related fatalities occurred. The Wednesday numbers are alarming as most law enforcement DUI patrols operate on weekends. Wednesday in the South used to be thought of as Church Night. Now it is apparently another night for alcohol and fatal crashes.

	Fatalities	Driver had Alcohol
Sunday	135	24
Monday	132	10
Tuesday	111	9
Wednesday	148	25
Thursday	128	9
Friday	130	21
Saturday	187	39

While crash numbers increased in 2012, the numbers show a decrease in alcohol related fatalities. This could indicate something positive or it might mean that more impaired drivers have moved to other drugs, which are not calculated in this analysis. TBI lab personnel indicate that about 60 to 65% of blood tests submitted are over .08 for alcohol. The remaining 35-40% are tested for drugs with very few negative tests. So, fewer alcohol related fatalities does not mean there are fewer impaired driver fatalities, just more drugged drivers.



RECENT DECISIONS

STATE V FISCHER, 2012 WL 5378037 5TH OFFENSE AFFIRMED

A Lewis County jury convicted Fischer of DUI 5th, Driving on Revoked 5th and an open container violation. As a range 2 offender, Fischer was sentenced to three years. Fischer crashed a mud run. First he almost hit pedestrians leaving the event, then he drove his truck onto the mud, while children were being hosed off nearby after playing in the mud. He had been drinking and taking valium at the time. He attempted to blame his passenger, claiming he was not the driver. He then attempted to blame his trial lawyer, but did not convince the court that his lawyer was incompetent.

STATE V FREEMAN, 2012 WL 4928859 IMPLIED CONSENT AFFIRMED

The defendant was acquitted by a jury of his DUI charge. The Court found that he had violated the implied consent law. The defendant appealed. The Trial Court pointed out that the violation is civil and no funds for a public defender could be allocated for a civil appeal. The Court put its findings of facts and conclusions of law on the record. The Trial Court accredited the testimony of the officer and ruled that Mr. Freeman refused to take the blood test requested by the officer. The Court in affirming the decision notes that the burden of proof is by a preponderance of evidence and that the determination of credibility is to be weighed with a presumption of correctness.

STATE V MCMURRAY, 2012 WL 5309440 DUI 6TH OFFENSE ON A LAWNMOWER

This defendant chose to drive his riding lawnmower down the road in Sullivan County with a .15 blood alcohol level. He had previously been declared a habitual motor vehicle offender. After a jury found him guilty and the Court imposed a three year sentence, Mr. McMurray decided his fate was the result of an incompetent lawyer at trial and another incompetent lawyer in his motion for a new trial. The Court of Criminal Appeals disagreed.

STATE V WHITTAKER, 2012 WL 4551293 DO YOU KNOW WHO I AM?

Driving impaired is always somewhat crazy, but driving a tow truck impaired may be more than a little nuts. Officer Susan Sowder in Campbell County was alerted to a possible drunk driver in a tow truck. She saw it going slowly on I-75 and she saw it crossing the white center line twice. She saw it cross the line on the exit ramp. She tried to pull it over, but it kept going and then pulled into the path of oncoming traffic before stopping at a gas station. When she made contact with the driver, she told him to wait in the truck. He did not. He got out, leaned on his truck and fumbled through cards and gave her an insurance card for a different vehicle. She did not smell or detect alcohol, but suspected he was using a narcotic or methadone or something similar. He did horribly on fields tests and had large mood changes. He refused a blood test. A jury convicted the defendant and the Court revoked his license for the implied consent violation. After he was convicted the officer saw him driving on two different occasions. The Court recognized that the defendant would not follow the law. Based on his criminal history and post trial behavior he was sentenced to serve 75% of 11 months and 29 days (273 days). The conviction and sentence was affirmed.

STATE V DAVIS, 2012 WL 6727512 ACCIDENT REPORT PRIVILEGE CLAIMED

In Chattanooga a lady and her daughter were pulled off the road in a stalled car. The impaired defendant plowed into the car. Officer Michael Terry arrived to assist and discovered the defendant was the only one around her van. He began an investigation and found she was impaired. The defense claimed anything and everything he learned should have been suppressed under an accident report privilege. The Court rejects the claim and makes clear that the Court is not happy. Judge Thomas writing for the Court states, "The Defendant's argument blatantly misconstrues the plain language of [section 55-10-114\(b\)](#). [Section 55-10-114\(b\)](#) does not refer to reports and any information mentioned in those reports as the Defendant suggests." Later he writes, "This court is troubled by the continued reliance on legal precedent which has been explicitly overruled and which is no longer representative of the current state of the law in Tennessee." The conviction was affirmed.

RECENT DECISIONS

STATE V KILLIAN, 2012 WL 6171063

Brenda Roth, an officer with the South Pittsburg Police Department, testified that in the early hours of August 4, 2010, she was dispatched to the base of South Pittsburg Mountain where she found a green vehicle that had collided with a guardrail on the wrong side of the road. Officer Roth stated that the car's engine was still running, and Killian was sitting in the driver's seat. She approached the driver's side of the car and asked Killian what had happened. Killian responded that "her car was mad at her." When Officer Roth asked her, "What do you mean your vehicle is mad at you?," Killian replied, "My car is mad at me because I hit the guardrail." An investigation followed and officers charged Killian with DUI. Killian refused a blood test claiming a fear of needles. On cross-examination, Killian said that she had not taken her medicine the morning of the accident because she had not yet eaten breakfast. She admitted that she was a phlebotomist, which involves the drawing of blood. She explained, "I don't have a problem sticking you [with a needle]. I can't stand to be stuck." She acknowledged that she had taken a half-tablet of Xanax and a half-tablet of Hydrocodone. Killian ended up with 10 days in jail for a first offense, which was affirmed.

STATE V HALL, 2012 WL 6726531

The defendant was speeding in Fairview, when she was pulled over. She had taken Xanax and Oxycodone. She later entered a guilty plea with a sentencing hearing. Her past came back to result in an extended stay in the jail. In fact the Court ordered her to spend 20 weekends in jail, attend a 12 step program and have an alcohol and drug assessment. Ms. Hall had previously attended and failed a Drug Court program and had three drug convictions prior to her DUI. When arrested her oxy bottle had 5 pills in it. It was a 190 pill prescription written seven days prior to arrest. She also had a prescription bottle with over twenty pills, even though the prescription was for nine. Her third bottle was for her husband.

AVOIDING PROSECUTORIAL MISCONDUCT IN CLOSING ARGUMENT

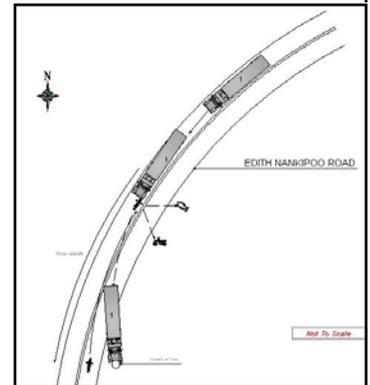
In *Goltz*, 111 SW3d 1 (2003), this Court found that within the closing argument, five general areas of prosecutorial misconduct are recognized:

1. It is unprofessional conduct for the prosecutor intentionally to misstate the evidence or mislead the jury as to the inferences it may draw.
2. It is unprofessional conduct for the prosecutor to express his [or her] personal belief or opinion as to the truth or falsity of any testimony or evidence or the guilt of the defendant. *See State v. Thornton*, 10 S.W.3d 229, 235 (Tenn. Crim. App. 1999); *Lackey v. State*, 578 S.W.2d 101, 107 (Tenn. Crim. App. 1978); TENN. CODE OF PROF'L RESPONSIBILITY DR 7-106(c)(4).
3. The prosecutor should not use arguments calculated to inflame the passions or prejudices of the jury. *See [State v.] Cauthern*, 967 S.W.2d [726,] 737 (1998); *State v. Stephenson*, 878 S.W.2d 530, 541 (Tenn. 1994).
4. The prosecutor should refrain from argument which would divert the jury from its duty to decide the case on the evidence, by injecting issues broader than the guilt or innocence of the accused under the controlling law, or by making predictions of the consequences of the jury's verdict. *See Cauthern*, 967 S.W.2d at 737; *State v. Keen*, 926 S.W.2d 727, 736 (Tenn. 1994).
5. It is unprofessional conduct for a prosecutor to intentionally refer to or argue facts outside the record unless the facts are matters of common public knowledge.

Fatal Motorcycle Crashes Reviewed

2012 saw 128 fatal motorcycle crashes with 134 total fatalities. The following is a sample of descriptions of some of the crashes. Common driving errors that led to fatalities included cars pulling in front of a bike during a turn or at an intersection; motorcycle rider error, loose gravel and intoxication. Drivers often underestimate the speed of a motorcycle as the bike approaches an intersection.

- 1) MOTORCYCLE WAS TRAVELING EAST ON CARPENTERS CHAPEL RD WHEN THE DRIVER RAN OFF THE ROAD ON THE RIGHTSIDE LOSING CONTROL OF THE MOTORCYCLE STRIKING A UTILITY POLE. THE DRIVER WAS THROWN FROM THE BIKE AND CAME TO REST IN THE ROADWAY. THE DRIVER WAS NOT WEARING A HELMET.
- 2) DRIVER WENT OFF THE RIGHT SIDE OF THE ROADWAY AND LOST CONTROL HIS MOTORCYCLE. DRIVER WAS THROWN FROM THE MOTORCYCLE..
- 3) Motorcycle WAS WEST BOUND ON STATE ROUTE 100. Chevy Van WAS EAST BOUND ON STATE ROUTE 100. Van WAS ATTEMPTING TO TURN NORTH ONTO MAPLE STREET. Van TURNED INTO THE PATH OF the motorcycle, which struck the van IN THE WEST BOUND LANE OF TRAVEL. Van driver charged with violation of due car and no proof of insurance.
- 4) The vehicle was traveling north on U.S. 25E when it went off the right side of the road, over onto the gravel shoulder. The vehicle traveled on the shoulder of the road until it came upon a ditch line. The vehicle went over the ditch and then struck an embankment of rock throwing the driver off the vehicle.
- 5) Driver of a red full sized pick up truck pulled out into the path of the motorcycle. Driver charged with failure to yield.
- 6) Motorcycle crossed the center line while negotiating a curve and struck a commercial truck head on. (SEE DIAGRAM)
- 7) Motorcycle was traveling south on Williams Street at a high rate of speed and went out of control and ran off roadway. The motorcycle struck a culvert, went airborne, when the vehicle struck the ground the operator was thrown from the motorcycle. The motorcycle came to rest on it's side while the operator came to rest face down in a ditch.
- 8) Motorcycle was traveling west on Rock Road. The driver was entering a sharp curve to the right and traveled off the left side of the roadway across a private drive. The motorcycle struck a small pine tree, and a fence. After impact the rider, who had a .22 blood alcohol level, fell off the motorcycle into a field and struck his head breaking his dot helmet. The vehicle came to final rest facing north and the body was face down near the motorcycle in the field.
- 9) The crash occurred when the driver of the motorcycle failed to properly react to a slower moving tractor trailer in his lane and instead of properly slowing down and or changing lanes the motorcycle rider struck the rear of the tractor trailer and was thrown from his motorcycle where he struck the pavement and was later struck by the Chevrolet Avalanche. The motorcycle rider was not wearing a helmet at the time of the trash.



Motorcycles continued →

AAA PARTNERS

In 1920, the American Automobile Association (AAA) sponsored a School Safety Patrol program children protecting school children from traffic dangers. It was established and expanded nationwide. AAA also introduced traffic safety education into elementary and junior high schools, and pioneered driver education in high schools. AAA's *Responsible Driving* textbook, first published in the 1930s as *Sportsmanlike Driving*, became the most widely used book in its field.

AAA has been actively involved for more than 40 years in reducing the drunken-driver problem. AAA's alcohol education programs are used by thousands of communities to address the traffic safety issues associated with alcohol abuse. AAA has programs appropriate for people of all ages from elementary school students through senior adults.

This year AAA joined with the Tennessee District Attorneys General Conference to promote safety for children on Halloween. With the increased popularity of vampire and other dark costumes, visibility for children was a concern that District Attorneys wanted to address. AAA responded and donated to the Tennessee District Attorneys 10,000 florescent bracelets for children with the commitment from the DA's to distribute the bracelets at elementary schools throughout the State. The bracelets will permit children from Mountain City to Dyersburg to glow in the dark as the go about collecting goodies, even if they are scarier than ever before!



The reflective Bracelet fit all size wrists and small arms.



Don Lindsey, AAA East Tennessee, presented 10,000 glow in the dark bracelets to District Attorneys at their annual conference in Knoxville. Here Don gives a few to Deputy Executive Director Guy Jones, in front of the AAA information booth.

Thank You AAA. We look forward to working with you again in 2013 to keep the Trick or Treaters safe.

(Motorcycle Continued)

- 10) Motorcycle was westbound on State Route 57. Chevy Impala automobile was eastbound on State Route 57. The Impala started to turn left into a parking lot and struck the motorcycle in the westbound lane of State Route 57. After Impact, the driver of the motorcycle was thrown through the air, westward, coming to rest in the ditch on the north side of the roadway. The Impala came to rest in the parking lot of the utility department (facing North.)
- 11) Vehicle 1, a motorcycle, was traveling west on State Route 59. Vehicle 2, another motorcycle was traveling west on State Route 59 directly behind vehicle 1. Vehicle 2 collided with the rear end of vehicle 1 with its front end. Vehicle 2 came to an uncontrolled final rest on its right side facing east with its rear wheel on the paved portion of the church entrance and the front wheel in the grassy area along the northern roadway edge. Vehicle 1 came to an uncontrolled final rest on its right side at the northeast corner of a house with an address of 4101 Highway 59 west after striking a parked vehicle parked in the driveway.

FIRST THE CRASH, THEN THE IMPACT



25 YEARS LATER,
WE REMEMBER THE
VICTIMS OF THE
KENTUCKY SCHOOL
BUS CRASH, WHICH
INSPIRED THE
CREATION OF A
LARGE-SCALE CRISIS
RESPONSE SYSTEM

by Jana Nelson

An anniversary recognizes how far one has come— some call for celebration while others serve as a line drawn in the sand. This spring, our nation recognizes the 25th anniversary of the Carrollton, Kentucky, school bus crash, the most deadly alcohol-related crash in U.S. history. The tragedy remains a heartbreaking reminder of a senseless crime, but also serves as a symbol of the shift in our understanding of victim advocacy and marks the beginning of the concept of “crisis response.”

On May 14, 1988, a repeat DUI offender with a .24 percent blood alcohol concentration (BAC), heading the wrong way down the highway in a pickup truck, slammed into a bus that was returning from a church trip to Kings Island Amusement Park. The fiery crash killed 27 passengers—24 youth and three adults—and injured 30 more.

LARGE-SCALE CRISES REQUIRE LARGE-SCALE RESPONSE

At the time, many involved in victim advocacy were grappling with the diverse needs that surfaced after a crisis of this magnitude. While MADD and other agencies such as the National Organization for Victim Assistance (NOVA) had been working primarily with crime victims on an individual level, it was becoming clear that a new approach was needed to help standardize large-scale efforts such as the one that took place in Kentucky that fateful day.

According to Will Marling, Ph.D., executive director of NOVA, “Twenty years ago, the idea of trauma and its impact weren’t truly understood. In many cases, victim advocates were addressing the immediate needs of individuals who sought help and were limited in how much support they could provide.”

Within the advocacy community, “it was becoming more evident that trauma is trauma, and while it might be unique because of cultural, age and other differences, the same protocols of trauma mitigation could help anyone,” Dr. Marling says. “The death of an individual creates a profound loss that touches many lives, and the ripple effect of the trauma affects families, friends, churches and communities.” The need is exponential when dealing with mass casualties, both immediate and long term.

SUPPORT FOR FIRST RESPONDERS ALSO KEY

Additionally, many assumed “first responders” were simply doing their jobs and were equipped to deal with crises. MADD, however, recognized the breadth of the trauma created by this crash and knew that support was needed for those who carried the burden the longest—emergency medical technicians, state troopers, firefighters and others first on the scene. Not only was MADD able to send a team of professionals and trained volunteers who understood the traumatic impact of the crash on first responders, but they were uniquely aware of crime scene sensitivities.



"The death of an individual creates a profound loss that touches many lives, and the ripple effect of the trauma affects families, friends, churches and communities."

Karolyn Nunnallee, who would go on to be MADD's national president, was at the crash site that devastating day—not on behalf of MADD, but as mother to **Patty**, a 10-year-old killed in the crash. "We weren't ready to be helped immediately, so MADD was wise to wait until July to send a crisis response team to help us navigate our healing journey," Karolyn says. She recalls each team member and remembers thinking how perfectly the group had been matched with a team that included injured victims, burn survivors and bereaved parents. "When I heard team member Millie Webb tell **her story**, I told myself that if she could make it, I could too.

"We had access to counselors, but this team came in and they could identify with us. They could answer our questions. When I didn't know how to fill out a form that asked how many children I have, [Victim Advocate] Elizabeth Beck was there with an answer. I still use her answer 25 years later," Karolyn explains. (That answer was: "I have two children. Patty was 10. Jean is 30.")

VICTIM ADVOCACY EVOLVES

Since the Kentucky school bus crash, victim advocacy, and specifically crisis response, has continued to improve. "We've learned about mass casualties and their impact on communities during the last 15 or so years," says Kathryn Truman, program director for the Federal Bureau of Investigation's (FBI) Office of Victim Assistance. A once trial-and-error method has been transformed into a much more educated system. "We have taken the lessons learned from the past in order to support our approach with proven methodologies," she says.

Not only has the federal government established the Office for Victim Assistance within the FBI, but it has also placed full-time victim specialist positions in 56 FBI field offices. Truman reports that the FBI recently compared earlier mass casualty cases with more recent incidents. In the past, victims often received little to no information and support from anyone. Subsequently, these people were not as advanced in their healing journeys.

SUPPORT THROUGHOUT THE PHASES OF A CRISIS

Today, there is a more-unified approach, with multiple agencies reaching out to victims from the start. Victims of tragedy are better able to cope and heal when their support needs are met very early on in the process. "In the immediate aftermath of a mass casualty, we now know what people want and need. They need answers. Who can help me? When will the victims be identified? How do I get to the hospital? Once practical needs are met, we are able to move with them through the process. The FBI knew it needed the ability to deploy local advocates and now we can," Truman says. Many states, communities and schools have established crisis response teams, but there is still much work to be done. Truman is encouraged that "more and more crisis response strategies are being implemented into the operational plans of law enforcement, first responder and other local organizations and agencies."



Need Help? Just Call

MADD offers victim services, support groups, brochures and more at madd.org/victim-services. For more information about MADD Victim Services, call **1-877-320-2765**. If you are a victim of a drunk and/or drugged driving crash and need 24/7 assistance, please call **1-877-MADD-HELP (1-877-623-3435)**.

While there are still many who have not institutionalized their strategies, Truman acknowledges that the success we see now is in large part due to the “efforts of the victim advocates who have pushed for years for increased victim support, both immediate and long term. Now when there’s a crisis, it’s not just the Red Cross that shows up.”

Throughout the years, crisis responders have been able to identify the many and varied needs that result from a mass casualty incident. In addition to receiving initial, acute care, there are now agencies in place to begin the process and determine how to best deliver care throughout the numerous phases that follow the crisis.

ANNIVERSARY RENEWS NEED FOR AWARENESS

The majority of American communities are not prepared for a crisis, nor are they aware of the resources available to them. That is why MADD is hopeful that the upcoming release of a new feature documentary, *Impact: After the Crash*, outlining the Kentucky school bus crash, will renew attention to the need for a crisis response plan in all communities. Despite all the progress, there is still much work to be done.

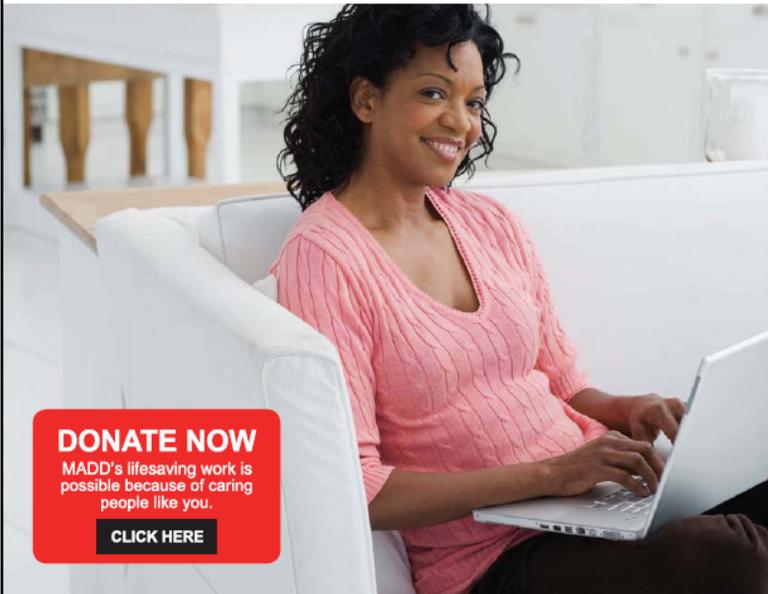


VIEW THE TRAILER FOR THE STORY OF THE KENTUCKY SCHOOL BUS CRASH, *IMPACT: AFTER THE CRASH*, WHICH TELLS THE STORY OF THE LIVES LOST ON THAT FATEFUL DAY, AS WELL AS THE IMPACT ON OUR NATION’S UNDERSTANDING OF MASS CASUALTY AND CRISIS RESPONSE. GO TO THEIMPACTMOVIE.COM/TRAILER.

This article is reprinted with permission from the Winter 2012 Issue of the MADDVOCATE. Thank you to the National MADD organization for this thoughtful article. In light of mass tragedies like the Sandy Hook Elementary School murders, we should be grateful for all that MADD and the Victim Response communities do for all involved.

Please consider supporting MADD and our Tennessee MADD chapters by donating by mail to the MADD Tennessee office located at 1100 Kermit Drive, Suite 022, Nashville, TN 37217.

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 MADD's lifesaving work is possible because of caring people like you.
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We Want to Hear from You

For more information, visit madd.org or call us at **1-877-MADD-HELP (1-877-623-3435)**.



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MADD EVENTS IN TENNESSEE

MIDDLE TENNESSEE – MADD ABOUT TEA, FEBRUARY 10th

MADD About Tea will be held on February 10th from 12:30 to 3:30 p.m. at Shamblin Theatre on the campus of Lipscomb University. MADD About Tea is about fashion, food, fun and philanthropy. This year's event is made possible through the generosity of Starbucks on West End, Great Harvest Bread Company, Copper Kettle, Maggiano's, Mere Bulles (to only mention a few) and photographer Rae Anna.

Volunteers interested in serving on the planning committee should reach out to Michelle.Rozell@madd.org or (615) 360-8055. Tickets are available at www.maddabouttea.org.

EAST TENNESSEE – WALK LIKE MADD, APRIL 20th

Following the commitment of the Law Office of Stephen A. Burroughs to be the local presenting sponsor of the Knoxville Walk Like MADD, State Farm Insurance has confirmed their state presenting sponsorship, supporting each of the three walks in Tennessee. The first walk will be in Knoxville on April 20. Visit www.walklikemadd.org/knoxville to register or donate.

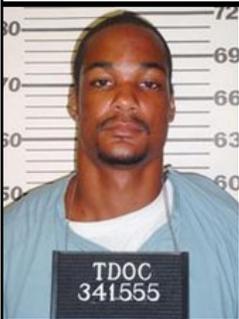
VEHICULAR HOMICIDE MURDERERS ROW



Bryant Houston, 39, was traveling at 103 mph on Highway 153 in Chattanooga with a .19 BAC when he slammed into a car making a turn into a parking lot. In the child restraint seat in the back of the car was a 4 month old baby, Addison Moore. Houston, who weighs in at about 240 lbs., had the audacity to say he reached a .19 BAC by drinking 3 beers. A 240 pound male would have to consume more than ten beers in an hour to reach .19. Houston received a 12 year maximum sentence from maiming two adults and killing a child. Maybe, during his prison time he can work on his math or his conscience. He served time previously for burglary and theft.



Barbara Mayfield, 45, of Lebanon, has been sentenced to 50 years for killing a four year old child and his grandfather July 29, 2011. Mayfield also injured two people, one of who will be in a wheelchair for life. Mayfield was convicted of a DUI in April, 2011. She was then arrested for driving on a revoked license and probation violation. She was ordered to wear an ankle bracelet that detected alcohol consumption. On the night of her homicides she had wrapped duct tape around her ankle. She had a .25 blood alcohol level, but swore under oath she had 2 beers! Her attorney told the court she began drinking at the age of 13 and never stopped.



Percy Thompson, 26, of Nashville, has that special gene that allowed him to strike another vehicle and then drive and run away. Danius Buchanon, 3, had his short life end, while Thompson did his best to dodge responsibility. He ran across the Interstate, but finally got caught and received an eleven year sentence. Thompson is familiar with incarceration. He served a six year sentence for armed robbery in 2001. He has been convicted of twenty crimes in Nashville according to records on the Court Clerk's website including driving with a suspended license on seven occasions, theft, vandalism, resisting arrest and evading arrest on six occasions.



Gina Ruth Lee, 27, has been sentenced to 10 years in prison for killing Josephine Jeffries, 71, in 2010. Lee crossed the center line and crashed into Mrs. Jeffries, who was on her way to church. Lee had methamphetamine in her system at the time. Lee had previously been involved in a wreck that killed a pedestrian, but was not charged in that incident. Lee and witnesses testified that she has maintained sobriety since the crash and worked hard with AA to change her life. Her prior convictions dating back to 2005 eliminated her chances for alternative sentencing.

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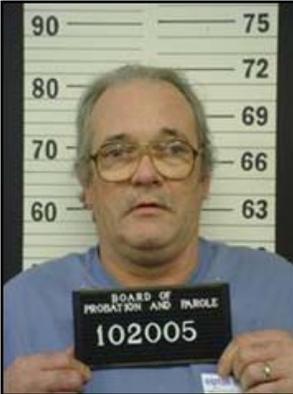
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VEHICULAR HOMICIDE MURDERERS ROW

WHERE HAVE YOU GONE, BERNARD BROOKS?



In our last issue on the front page we told you about the killing of Tina Ford by Bernard Brooks in 2001. If you recall, Brooks served 10 years, came out of prison and picked up a DUI in Knoxville. He was miraculously a first offender, because of our 10 year window to count prior convictions. He was convicted of that DUI and then then got another one! Now he is missing. He jumped bond and probation requirements. The neighbors say he moved to Texas. If so, I suspect he will be in a Texas Court soon and there is no 10 year limit on the use of prior convictions in Texas. Let's hope the Texas Rangers catch him, keep him and let him find out what happens when he messes with Texas.



Pedestrian/Bicycle Reconstruction Class



These officers recently completed a 40 hour Pedestrian/Bicycle Reconstruction Class in Chattanooga at the UT Chattanooga Campus taught by Kingsport Sgt Dale Farmer. There were 10 officers from the Chattanooga Department and 1 from Hamilton County Sheriffs Office. The course included

various methods to calculate speed transfer from the vehicle to the pedestrian and bicyclist, pedestrian dynamics, roadway evidence, proper methods to gather evidence, scene photography, vehicle inspections and various other topics. Each of these fine officers did an outstanding job in the class and each brought real life experiences to the class. Additionally each student conducted a standard reaction time test where motorist were observed at traffic signals. Joe Warren of the Chattanooga PD videotaped his groups testing. Joe used the video to determine the average reaction time and compared it to the times taken manually by the other officers. The video time was 1.367 seconds and the stop watch time was 1.568 seconds.

The officers who completed this course were: Mark Bender, Casey Cleveland, Joe Warren, Biron P. Posey, David Cowan, Martin Santos Jr, Mirza Muretcehajic, Gary Frisbee, Daniel Russell, Stephen Miller Jr, and Deputy Adam D. Patton.

Additional officers completed this course in September, 2012 in Kingsport. Those graduates were: Nicholas Louis, Hunter Deen and Scott Panaia of Germantown; C. Michelle Holt and Randy Christy, Greene County S.D; Sollie Raburn, THP; Dustin Jackson, John McGee and Matt McGuire, Kingsport; Brian Sulfridge, Morristown; Brian Blumenberg, Chattanooga; David Burgess, Collegedale, Barry Bunch and John Ailor, Blount Co. S.D; Terry Parrish, Brian Shiver and James Lequire, Sevierville; Doug Combs and Ryan Brackett, Elizabethton; Jamie Free, Jeff McKittrick, Chris McDavid and Abby Rhymer, Sullivan County S.D.; Matt Pendleton, Hawkins Co. S.D.; Justin Bush and Michael Still, Bristol and Reggie Sparks of Johnson City.

Congratulations to all officers who took the time and energy needed to complete this challenging course.

THE CRASH PAGE

THE ONE PERCENT

By Tom Kimball

At the Blount County Sheriff's Department I was privileged to attend a Crash Reconstruction course on January 9th. The two week course is quite different from most courses. Those who attend the 80 hour course must have successfully completed the 80 hour Advanced Traffic Crash Investigation course and other prerequisites. The goal of the course is to enable officers to provide expert testimony in the following areas:

- Derivation and origin of the commonly used speed formulas;
- Speed of vehicles at impact using conservation of linear momentum;
- Behavior of vehicles in a collision using Newton's three laws of motion;
- The effect of weight shift in braking involving large trucks and buses, including truck-tractor semi-trailer Combinations;
- The effect of computer or anti-skid breaking systems in stopping distances and braking action and;
- The determination of direction of travel, initial contact and position of vehicles on the roadway.

Lt. Kevin Ewing of the Mount Carmel Police Department was the lead instructor. He mentioned during a session that less than one percent of all law enforcement officers attend this course. These one per-centers are some smart people. While I was present the officers started reviewing and working on a time/distance project. I thought I might share a few of their questions to give you an idea of what these officers study:

1. The driver of a vehicle traveling 51 mph sees a pedestrian step into the road ahead. The driver locks all four brakes and begins to slide. At 24 mph the vehicle strikes the pedestrian. The vehicle slides to a stop. The coefficient of friction on the roadway is .71. How many seconds does it take the vehicle to slide to a stop?
2. In question 1 how many feet does the vehicle travel from the time the driver first sees the pedestrian until it stops? Assume a perception/reaction time for this problem as 1.6 seconds.
3. In question 1 how many seconds does it take the vehicle to go from the start of the skid to impact with the pedestrian?
4. A vehicle accelerated from a stop for 3 seconds with an acceleration factor of .41. The vehicle then travelled at that constant velocity for an additional three seconds. What is the total distance the vehicle covered in the six seconds of movement.

As I listened and watched each of the officers worked with his/her scientific calculators to come up the correct answers to these and other physics questions. I was reminded why I am happy to develop direct examination questions for these experts instead of having to do these calculations for myself. As I left the classroom I ran into an old friend, who is now a defense lawyer after years of being a prosecutor and judge. When I explained why I was there he told me his secret for cross exam of the crash reconstruction officers. He asks an absolutely irrelevant math question from his high school Algebra 2 class to see if he can befuddle and confuse the expert. If the officer doesn't immediately answer, he gives him an answer and questions if it is correct. He doesn't try to question the results of the case. Instead he tries to see if he can destroy the confidence of the jury in the witness with an unexpected question and his provided answer.

For example, What is the definition of a quadratic equation? An officer in such a cross can answer, if he knows the answer off the top of his head, which is doubtful. Otherwise, he must have his wits about him and let the examiner know that he did not review his Algebra 2 materials in preparation for the case. He might mention he was pretty busy using the formulas needed to determine why the victim was killed as opposed to reviewing items that were not relevant to the case.

Each officer who chose to attend the Crash Reconstruction course deserves our appreciation. These officers provide the answers the Courts need to determine whether a crime has been committed during a traffic collision. Without them the innocent people could be convicted and many guilty people would escape punishment.