Filed: 4/3/2025 10:23 AM
St. Joseph Superior Court 3
St. Joseph County, Indiana

STATE OF INDIANA
ST. JOSEPH COUNTY SUPERIOR COURT 3

- FILED -
APR 14 2025
St. Joseph Superior Court Clerk

KARA BEATY,	)	
	)	
PETITIONER,	)	
	)	
v.	)	Case No. 71D02-2407-PC-000022
	)	
STATE OF INDIANA,	)	Hon. Jeffrey Sanford
	)	
RESPONDENT.	)	

[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS CAUSE came before the Honorable Jeffrey Sanford, St. Joseph Superior Court No. 3, on Petitioner Kara Beaty's July 29, 2024 petition for post-conviction relief. On March 28, 2025, Petitioner and the State of Indiana ("State", and together, "the Parties") submitted an agreed motion to vacate Ms. Beaty's convictions with supporting exhibits. Based on that motion and the supporting exhibits, this Court enters the following findings of fact and conclusions of law and GRANTS Petitioner's petition for post-conviction relief.

BACKGROUND

1. On August 7, 2020, Ms. Beaty was charged with causing serious bodily injury while operating a motor vehicle with a Schedule I or II controlled substance or its metabolite in her blood in violation of Indiana Code § 9-30-5-4(a)(2) (Count I). *See State v. Kara Beaty*, No. 71D01-2008-F5-000177. The charge arose out of a crash on June 2, 2020 at 10:45 PM between a Mazda Protégé driven by Ms. Beaty and a motorcycle driven by Erin Smith at the intersection of S. Michigan Street and Walter Street in South Bend, Indiana.

2. On December 21, 2021, the State amended the charges to add Count II, which alleged that Ms. Beaty caused the death of, or catastrophic injury to, Mr. Smith while operating a

vehicle with a Schedule I or Schedule II controlled substance or its metabolite in her blood in violation of Indiana Code § 9-30-5-5(a)(2).

3. On August 21-24, 2023, a four-day trial was held before St. Joseph County Judge Stephanie Steele.

4. At trial, the only direct eyewitness evidence of causation presented to the jury was the testimony of Stephen Irk. Mr. Irk testified that, on the night of June 2, 2020, he was driving his truck right behind Mr. Smith's motorcycle heading north on S. Michigan Street in South Bend. *See* Trial Tr. Vol. I at 250, Trial Tr. Vol. II at 4. Mr. Irk testified that he stopped at the stoplight at Ireland Road behind the motorcycle and that, when the light turned green, the motorcycle went through the light and turned into the Marathon gas station. Trial Tr. Vol. II, at 4-5. Mr. Irk testified that he drove through the green light and also turned into the Marathon gas station behind the motorcycle. *Id.* Mr. Irk testified that the motorcycle then turned out of the Marathon gas station heading north on Michigan Street towards Walter Street. *Id.* at 5. Mr. Irk testified that he was approximately 20-30 yards behind the motorcycle, that he was traveling approximately 30 miles per hour, and that the motorcycle did not pull further away from him at a high speed. *Id.* And, Mr. Irk testified that, as he was heading north on Michigan Street behind the motorcycle, he saw a car turn in front of the motorcycle and saw the motorcyclist flip over the vehicle in the air. *Id.* at 5-6.

5. Mr. Irk's testimony was the only eyewitness evidence presented to the jury that supported the State's theory of the rate of speed of Mr. Smith prior to the crash and was critical evidence that was relied on by the State in closing argument. *See, e.g.*, Trial Tr. Vol. III at 96, 98, 115-16, 119.

6. On August 24, 2023, the jury found Ms. Beaty guilty on both Count I and Count II. On October 10, 2023, Ms. Beaty was sentenced to six years in prison, with three years executed at the Indiana Department of Corrections and three years suspended on probation.

7. On October 18, 2023, Ms. Beaty filed a notice of appeal. *See Beaty v. State*, No. 23A-CR-02488. On June 19, 2024, Ms. Beaty filed with the Indiana Court of Appeals a motion to set an appeal bond for Ms. Beaty, stay the direct appeal, and remand the case for post-conviction proceedings pursuant to the *Davis-Hatton* procedure. The State, via St. Joseph County elected prosecutor Ken Cotter, agreed that the State would support the grant of an appeal bond to allow Ms. Beaty to pursue post-conviction relief in the trial court.

8. On June 28, 2024, the Indiana Court of Appeals entered an order granting Ms. Beaty a stay of her sentence to pursue a post-conviction petition, dismissing the appeal subject to future potential appeals, and setting an appeal bond.

9. On July 29, 2024, John Kindley, on behalf of Ms. Beaty, filed the pending verified petition for post-conviction relief ("PCR") in St. Joseph County Superior Court No. 1. The petition raised the following three claims:

a. Material facts, not previously presented or heard, require the vacation of Ms. Beaty's convictions and sentence in the interest of justice;

b. Petitioner was denied effective assistance of counsel in violation of *Strickland v. Washington*, 466 U.S. 668 (1984); and

c. the State relied on false evidence against Ms. Beaty in violation of *Napue v. Illinois*, 360 U.S. 264 (1959).

10. On August 23, 2024, the Honorable Christopher Fronk entered an order recusing himself from the case and referring the case to the Chief Judge of the St. Joseph Superior Court

for reassignment. The case was subsequently reassigned to the Honorable David Francisco of St. Joseph Superior Court No. 2.

11. On October 14, 2024, attorneys Jimmy Gurule', Kevin Murphy, and Lenora Popken filed appearances on behalf of Ms. Beaty.

12. On December 19, 2024, Judge Francisco entered an order recusing himself from the case and referring the case to the Chief Judge of the St. Joseph Superior Court for reassignment. On January 23, 2025, the case was reassigned to this Court.

13. On March 11, 2025, this Court held a status conference in the case. At that status conference, the Parties informed the Court that they had cooperatively engaged in additional discovery regarding on the case. At the Parties' request, the Court set a status conference for June 9, 2025.

FINDINGS OF FACT

14. At 2:12 AM on Wednesday, June 3, 2020 (~3.5 hours after the crash in question), Sabrina Beaty, Petitioner's sister, took a screen recording of a "Facebook Live" video from Erin Smith's Facebook page. The "Facebook Live" video is an accurate recording of Mr. Smith's driving just prior to the crash.

15. The screen recording indicates that the Facebook Live video was recorded "Yesterday at 10:42 PM" and the video is 2 minutes and 32 seconds in length. The date and time of the Facebook Live video correspond with the time period leading up to 10:45 PM accident between Ms. Beaty and Mr. Smith. In addition, Mr. Smith's shirt and helmet in the video are consistent with the shirt and helmet he was wearing at the time of the accident.

16. Although a much shorter screen-recording of this Facebook Live video was introduced as Exhibit 27 at Ms. Beaty's trial, the full version of the Facebook Live video was not introduced into evidence.

17. The full version of the Facebook Live video shows several landmarks from which Mr. Smith's route of travel on his motorcycle in the time leading up to the June 2, 2020 accident can be determined. These landmarks show that Mr. Smith traveled west on Ireland Road towards Michigan Street, then turned right to go north on Michigan Street towards Walter Street.

18. The Facebook Live video shows that, contrary to Stephen Irk's testimony, Mr. Smith did not travel north on Michigan Street straight through the stoplight at Ireland Road. And, the Facebook Live video shows that, contrary to Mr. Irk's testimony, Mr. Smith did not turn into the Marathon gas station at the corner of Michigan and Ireland prior to the accident with Ms. Beaty. The Facebook Live video, therefore, is material evidence that contradicts key portions of Mr. Irk's testimony and seriously undermines his credibility as a witness.

19. The Facebook Live video also shows that, while driving west on Ireland Road towards Michigan Street, Mr. Smith at times had his eyes off the road and his hands off the handlebars of the motorcycle.

20. After Ms. Beaty's conviction, based on the full version of Mr. Smith's Facebook Live video, Commander Tim Spencer, Fatal Alcohol and Crash Team, St. Joseph County Prosecutor's Office, conducted a reconstruction and analysis of Mr. Smith's driving of his motorcycle north on Michigan Street from Ireland Road.

21. In the Facebook Live video, Mr. Smith passes a large, illuminated sign at the 2:28 mark in the video. Mr. Spencer's accident reconstruction and analysis identified three possibilities for what this sign might be and estimated Smith's speed driving north on Michigan

Street from Ireland Road towards Walter Street based on each possibility (assuming uniform acceleration):

a. If the illuminated sign visible at 2:28 in the Facebook Live video is the Culver's sign at 4402 S. Michigan Street, then Mr. Smith's speed would have reached 48.2 miles per hour.

b. If the illuminated sign visible at 2:28 in the Facebook Live video is the billboard that is in the 4300 block of S. Michigan Street, then Mr. Smith's speed would have reached 107.5 miles per hour.

c. If the illuminated sign visible at 2:28 in the Facebook Live video is the sign for AutoZone at 4316 S. Michigan Street, then Mr. Smith's speed would have reached 129.1 miles per hour.

22. This accident reconstruction and analysis is new evidence of Ms. Beaty's innocence because it suggests that, in the moments immediately before the crash with Ms. Beaty, Mr. Smith may have been driving his motorcycle at a speed that was significantly higher than the trial evidence suggested. This is material evidence of Ms. Beaty's innocence because the key issue at trial was whether she in fact caused the accident with Mr. Smith, and the speed at which Mr. Smith was driving his motorcycle prior to the crash directly relates to this issue, which the State must prove beyond a reasonable doubt. This new evidence raises a reasonable doubt to that fact.

23. This accident reconstruction and analysis also contradicts the testimony of Stephen Irk regarding the speed of Mr. Smith's motorcycle while it was traveling north on Michigan Street prior to the accident with Ms. Beaty at Walter Street. This evidence is material

because it seriously undermines the credibility of Mr. Irk, who provided the only direct eyewitness evidence the State was able to rely upon to establish the cause of the crash.

CONCLUSIONS OF LAW

24. Pursuant to Indiana Post-Conviction Rule 1(a)(4), this evidence constitutes "material facts, not previously presented and heard, that requires the vacation of the conviction or sentence in the interest of justice."

25. This evidence is evidence of Ms. Beaty's actual innocence that warrants vacating her convictions under *Carter v. State*, 738 N.E.2d 665 (Ind. 2000) and its progeny.

26. This evidence undermines confidence in the judgment against Ms. Beaty and the interests of justice require vacating her convictions in this case.

27. A post-conviction evidentiary hearing is not necessary because the above facts are not in dispute. Therefore, this Court summarily grants Ms. Beaty's PCR pursuant to Indiana Rule of Post-Conviction Remedies 1(4)(g) based on the above evidence.

28. Because post-conviction relief is appropriate based on the above evidence, this Court does not rule on Ms. Beaty's separate claims of ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984) and the State's presentation of false evidence under *Napue v. Illinois*, 360 U.S. 264 (1959).

29. Ms. Beaty's convictions for causing serious bodily injury while operating a motor vehicle with a Schedule I or II controlled substance or its metabolite in her blood (Ind. Code § 9-30-5-4(a)(2)) (Count I) and causing the death or catastrophic injury to a person while operating a vehicle with a Schedule I or Schedule II controlled substance or its metabolite in her blood (Ind. Code § 9-30-5-5(a)(2)) (Count II) are therefore vacated.

Based upon the foregoing findings of fact and conclusions of law, and pursuant to the Indiana Rules of Procedure for Post-Conviction Remedies, this Court finds that newly discovered evidence requires vacating Ms. Beaty's convictions in this case. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Ms. Beaty's petition for post-conviction relief is GRANTED and her convictions in Case No. 71D01-2008-F5-000177 are hereby VACATED.

SO ENTERED this 14th day of April, 2025.

Hon. Jeffrey L. Sanford
St. Joseph County Superior Court 3