

Richard A. Harpootlian, P.A.

ATTORNEYS AT LAW
1410 LAUREL STREET
COLUMBIA, SOUTH CAROLINA 29202

RICHARD A. HARPOOTLIAN
rah@harpootlianlaw.com

GRAHAM L. NEWMAN
gln@harpootlianlaw.com

M. DAVID SCOTT
mds@harpootlianlaw.com

CHRISTOPHER P. KENNEY
cpk@harpootlianlaw.com

JAMIE L. HARPOOTLIAN*
OF COUNSEL
*admitted in Louisiana

MAILING ADDRESS
POST OFFICE BOX 1090
COLUMBIA, SOUTH CAROLINA, 29202

TELEPHONE (803) 252-4848
FACSIMILE (803) 252-4810
TOLL FREE (866) 706-3997
WWW.HARPOOTLIANLAW.COM

April 2, 2014
VIA HAND DELIVERY

RECEIVED

APR 02 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, The SC Court of Appeals
1015 Sumter Street
Columbia, SC 29201

In re: *State v. Randall Houston Nordan*
2014-000622

Dear Mrs. Kitchings:

In response to your letter of March 26, requesting a written explanation showing that there is an issue which can be reviewed on appeal please see below:

ISSUES

- I. Whether the Trial Court erred in accepting Appellant's guilty plea for the offense of reckless homicide where the State failed to present a factual basis to support the guilty plea.
- II. Whether the trial court erred in considering evidence indicating Appellant had consumed alcohol prior to the incident where this purported evidence was not relevant to any offense charged and was highly prejudicial to Appellant.

Neither of these issues was explicitly raised by plea counsel because any objection would have been futile. See e.g., *State vs. Passmore*, 363 S.C. 568, 611 S.E.2d 273 (Ct. App. 2005).

Also, you requested in your March 26 letter a redacted copy of the sentencing sheets. I have attached copies, per your request.

Thank you for your assistance in this matter.

With warm personal regards, I am

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long horizontal stroke that tapers to the right.

Richard A. Harpootlian

RAH:hal

Enclosures

cc: Rick Hubbard, Deputy Solicitor for the Eleventh Judicial Circuit
Eric Bland, Esq.

1-25 yrs + \$10,000 - \$25,000

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE VS.)
Randall Houston Nordan)
AKA:)
Race: Sex: M Age: 26)
DOB: SS#:)
Address:)
City, State, Zip:)
DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS3201858
A/W#: 1628010
Date of Offense: 5/9/2011
S.C. Code § : 56-05-1210(A)(3)
CDR Code #: 2463

SENTENCE SHEET

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Traffic / Hit and run, duties of driver involved in accident with death

in violation of § 56-05-1210(A)(3) of the S.C. Code of Laws, bearing CDR Code # 2463
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor 015294 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant 12023 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.
Presiding Judge [Signature]
Judge Code: 2158
Sentence Date: 9 Dec 2013

[REDACTED]

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Randall Houston Nordan)
 AKA: _____)
 Race: _____ Sex: M Age: 26)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: _____)

10 yrs 1/2w \$1000 - 5000
 IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3202625
 A/W#: 12-STR-00515
 Date of Offense: 5/9/2011
 S.C. Code § : 56-05-2910
 CDR Code #: 3097

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Reckless Homicide, death results within 3 yrs, caused by injury from vehicle

in violation of § 56-05-2910 of the S.C. Code of Laws, bearing CDR Code # 3097
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. (defendant's initials)

ATTEST: [Signature] Solicitor 015294 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant 13023 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 18 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____
 days/hours Public Service Employment

Payment Terms: _____
 Set by SCDPPPS

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$

Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge [Signature]
 Judge Code: 9158
 Sentence Date: 9 DEC 2013

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: [Signature]
 SCCA217 (03/2011)

██████████ ██████████
██████████ ██████████
██████████ ██████████
██████████ ██████████