

# Richard A. Harpootlian, P.A.

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April 11, 2014  
**VIA HAND DELIVERY**

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

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

Dear Mrs. Kitchings:

Enclosed please find a copy of the letter and attachments we sent to Randall Houston Nordan, per the Court's instructions in its April 3, 2014 letter.

If you need anything additional, please contact me.

With warm personal regards, I am

Sincerely,

  
Richard A. Harpootlian

/hal

Enclosures

cc: Rick Hubbard, Deputy Solicitor for the Eleventh Judicial Circuit  
Salley W. Elliott, Assistant Attorney General  
Robert Michael Dudek, Chief Appellate Defender  
Eric Bland, Esq.

**RECEIVED**

APR 11 2014

**SC Court of Appeals**

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April 9, 2014

## **ATTORNEY-CLIENT COMMUNICATION TO BE OPENED ONLY BY INMATE**

Randall Nordan, #00358103  
Allendale Correctional Institution  
1057 Revolutionary Trail  
Fairfax, SC 29827

**RECEIVED**  
APR 11 2014  
SC Court of Appeals

In re: APPEAL  
The State v. Randall Houston Nordan  
Appellate Case No. 2014-000622

Dear Mr. Nordan:

Enclosed please find a letter from the South Carolina Court of Appeals instructing us to provide to you our letter of April 2, 2014 to the Court asserting that there is an issue which can be reviewed on appeal.

The Court is now requiring you to provide a letter within twenty (20) days from the date of this letter, or by April 29, 2014, explaining what you believe are issues preserved for appeal. I have enclosed a copy of the transcript of your plea hearing for your review.

Our review of the plea hearing transcript indicates that trial counsel raised no objections during your plea. Normally, without an objection, there is nothing to be reviewed on appeal. This is almost always the case in guilty pleas.

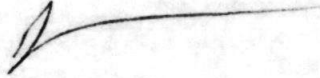
Please review the transcript to see if Lawrence Simmons did indeed object to the issues we believe are appealable as stated in our letter to the Court on April 2.

In the event that your appeal from Judge Stilwell's judgment and order are dismissed by the Court of Appeals, you may apply for Post-Conviction Relief in which you attempt to prove that your original lawyer was deficient in handling your case or that there were other errors that prove your pleas or sentences were unfair.

I understand that this request may be confusing. If you have any questions, please do not hesitate to contact me at the number above or Eric Bland at 803/256-9664.

With warm personal regards, I am

Sincerely,

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

Richard A. Harpootlian

/hal

Enclosures

cc: Eric Bland, Esq.



RECEIVED

APR 07 2014

Richard A. Harpootlian, P.A.  
Calendared *[Signature]*

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

April 03, 2014

Mr. Richard A. Harpootlian, Esquire  
PO Box 1090  
Columbia SC 29202

Re: The State v. Randall Houston Nordan  
Appellate Case No. 2014-000622

RECEIVED

APR 11 2014

SC Court of Appeals

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Samuel R. Hubbard, III, Esquire  
Salley W. Elliott, Esquire  
Robert Michael Dudek, Esquire

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April 2, 2014  
**VIA HAND DELIVERY**

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

RECEIVED

APR 11 2014

SC Court of Appeals

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 horizontal line that curves upwards at the end.

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

IN THE COURT OF GENERAL SESSIONS

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

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

\*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

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 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.

ATTORNEYS: Solicitor SC Bar# 015294 Defendant Attorney for Defendant SC Bar# 12023

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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Provisu 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (DUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Provisu 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

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

Clerk of Court/ Deputy Clerk Beth Garrison
Court Reporter: S. Stepp
SCCA/217 (03/2011)

Presiding Judge
Judge Code:
Sentence Date: 9/15/2013

STATE OF SOUTH CAROLINA

10 yrs 4/00 \$1000 - 5000  
IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington  
STATE VS.

INDICTMENT/CASE#: 2012GS3202625

AKA: Randall Houston Nordan

A/W#: 12-STR-00515

Race: \_\_\_\_\_ Sex: M Age: 26

Date of Offense: 5/9/2011

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 56-05-2910

Address: \_\_\_\_\_

CDR Code #: 3097

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ STD#: \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Reckless Homicide, death results within 3 yrs, caused by injury from vehicle  CONVICTED OF or  PLEADS

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. (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 15025 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 in 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: \$ \_\_\_\_\_

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(BU) Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$

\_\_\_\_\_ 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: \_\_\_\_\_

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

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

Presiding Judge [Signature]  
Judge Code: 5138  
Sentence Date: 9 DEC 2013

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APR 11 2014

SC Court of Appeals

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State of South Carolina  
County of Lexington

Court of General Sessions

State )  
 )  
 v. )  
 )  
 Randall Houston Nordan )  
 )  
 Defendant. )

Transcript of Record  
11-GS-32-1858  
12-GS-32-2625

December 9, 2013  
Lexington, South Carolina

B E F O R E:

The Honorable Robin B. Stilwell, Judge.

A P P E A R A N C E S:

Samuel R. Hubbard, III, Deputy Solicitor  
Attorney for the State

C. Lawrence Simmons, III, Esquire  
Attorney for the Defendant

Stacy L. Sheppard, RPR  
Circuit Court Reporter

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WITNESSES

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RECROSS

(There were no witnesses.)

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NO.

DESCRIPTION

ID. EVD.

(There were no exhibits.)

1                   (The following proceedings were held on  
2                   December 9, 2013.)

3                   **THE CLERK:** Indictment 2011-GS-32-01858, State  
4                   versus Randall Houston Nordan, indicted for leaving  
5                   the scene of an accident involving death. He is  
6                   pleading as charged.

7                   Indictment 2012-GS-32-02625, State versus  
8                   Randall Houston Nordan, indicted for reckless  
9                   homicide. He is pleading as charged.

10                  They are both signed and properly attested to,  
11                  true billed, and represented by Attorney Lawrence  
12                  Simmons.

13                                    **RANDALL HOUSTON NORDAN,**  
14                  having been duly sworn, testified as follows:

15                  **THE COURT:** All right. Mr. Simmons, you've had  
16                  the opportunity to discuss with Mr. Nordan his  
17                  constitutional rights and the ramifications of his  
18                  plea?

19                  **MR. SIMMONS:** Yes, Your Honor.

20                  **THE COURT:** Do you feel like he understands all  
21                  of this, sir?

22                  **MR. SIMMONS:** Yes, Your Honor.

23                  **THE COURT:** And do you also believe that he's  
24                  made an intelligent decision to waive those rights  
25                  and proceed with a guilty plea today?

1           **MR. SIMMONS:** That he has, Your Honor.

2           **THE COURT:** And based on your investigation and  
3 your discussions with him, do you agree with that  
4 decision?

5           **MR. SIMMONS:** Yes, I do, Your Honor.

6           **THE COURT:** Good afternoon, Mr. Nordan.

7           **DEFENDANT:** How are you doing, Your Honor?

8           **THE COURT:** Good. I'm going to explain to you  
9 some of your important constitutional rights as they  
10 relate to these charges, so if you'll just bear with  
11 me for a few minutes, and then I'm going to ask you  
12 questions related to these charges, okay?

13           **DEFENDANT:** Yes, Your Honor.

14           **THE COURT:** You have a right to a jury trial on  
15 these charges. If you had a jury trial, the State  
16 would have the burden of proving you guilty beyond a  
17 reasonable doubt to a jury of 12 of your peers.

18           In that proceeding, you would not have the  
19 burden of proving yourself innocent because under  
20 the constitution, you enjoy the right to remain  
21 silent and the right against self-incrimination,  
22 which means that you would not have the burden of  
23 saying or doing or proving anything to that jury.  
24 The State has the burden of proving each and every  
25 element of the offenses beyond a reasonable doubt.

1           Now, understand that you could have a jury  
2 trial, and in that proceeding, you could waive your  
3 right to remain silent. You could take the stand in  
4 that proceeding and testify on your own behalf. You  
5 could present witnesses. You could present evidence  
6 in your defense. You could tell the jury your side  
7 of the story essentially. You could also present  
8 motions and make motions before the Court to protect  
9 your constitutional and your procedural rights. You  
10 could cross-examine any of the State's witnesses,  
11 including those persons who are accusing you of  
12 these crimes.

13           Now, I ask you, do you understand all of these  
14 rights, sir?

15           **DEFENDANT:** Yes, Your Honor.

16           **THE COURT:** Do you wish to waive the same and  
17 enter a plea of guilty today?

18           **DEFENDANT:** Yes, Your Honor.

19           **THE COURT:** All right. In indictment  
20 2012-GS-32-2625, you are pleading guilty to reckless  
21 homicide resulting in death. Do you recognize that  
22 you could receive up to ten years in prison for that  
23 and a fine of up to \$5,000, sir?

24           **DEFENDANT:** Yes, Your Honor.

25           **THE COURT:** And how do you wish to plead to

1           that offense?

2           **DEFENDANT:** Guilty, Your Honor.

3           **THE COURT:** In indictment 2011-GS-32-1858, you

4           are pleading guilty to hit and run involving death.

5           Do you recognize that you could receive a

6           consecutive one to 25 years in prison and a fine of

7           up to \$25,000, sir?

8           **DEFENDANT:** Yes, Your Honor.

9           **THE COURT:** You also recognize that that's

10          classified as a violent crime, sir?

11          **DEFENDANT:** Yes, Your Honor.

12          **THE COURT:** And do you recognize that because

13          it's classified as a violent crime, that it could

14          affect the manner and method whereby you do any

15          period of incarceration, and it could affect the

16          calculation of your max-out date; do you understand

17          that?

18          **DEFENDANT:** Yes, Your Honor.

19          **THE COURT:** And how do you wish to plead to

20          that offense, sir?

21          **DEFENDANT:** Guilty, Your Honor.

22          **THE COURT:** Has anyone forced or threatened or

23          made you plead guilty?

24          **DEFENDANT:** No, Your Honor.

25          **THE COURT:** Are you pleading guilty of your own

1 free will because you are guilty, sir?

2 **DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Has anyone promised you anything in  
4 connection with your plea?

5 **DEFENDANT:** No, Your Honor.

6 **THE COURT:** Are you under the influence of any  
7 drugs or alcohol today?

8 **DEFENDANT:** No, Your Honor.

9 **MR. SIMMONS:** He is under medications.

10 **THE COURT:** Okay. And what type of medication  
11 is that, sir?

12 **DEFENDANT:** Tramadol, sir, psycho -- Baclofen  
13 and meloxicam, Your Honor.

14 **THE COURT:** All right. And do those drugs  
15 actually help you understand and remain calm and are  
16 they affecting you in any meaningful way today?

17 **DEFENDANT:** No, Your Honor.

18 **THE COURT:** Are they affecting your ability to  
19 understand and appreciate the questions that I'm  
20 asking you?

21 **DEFENDANT:** No, Your Honor.

22 **THE COURT:** Are they affecting your ability to  
23 discuss this matter with your attorney?

24 **DEFENDANT:** No, Your Honor.

25 **THE COURT:** Do you suffer from any mental

1 sickness that would affect your ability to  
2 understand and appreciate what we're having -- what  
3 we're doing here today or affect your ability to  
4 discuss this matter with your attorney?

5 **DEFENDANT:** No, Your Honor.

6 **THE COURT:** Okay. Have you had the opportunity  
7 to discuss this matter with Mr. Simmons as much as  
8 you needed to?

9 **DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Has he answered all of your  
11 questions and done everything that you've asked him  
12 to do?

13 **DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** Do you have any questions that you  
15 would like to ask him before we proceed, sir?

16 **DEFENDANT:** No, Your Honor.

17 **THE COURT:** Do you have any questions that you  
18 would like to ask me related to any of your  
19 constitutional rights or the questions that I've  
20 posed to you?

21 **DEFENDANT:** No, Your Honor.

22 **THE COURT:** Okay. You have ten days to appeal  
23 the sentence that I hand down today.

24 I'll be happy to hear the facts.

25 **MR. HUBBARD:** Thank you, Your Honor. Your

1 Honor, I'm Rick Hubbard, Deputy Solicitor at the  
2 Solicitor's office. The victim in this case is  
3 Hiram Juarez Miller. His friends and family know  
4 him as Rez.

5 In the courtroom today, Your Honor, we have his  
6 family, most of whom have driven quite a ways,  
7 almost eight hours for most of them to get here.  
8 His parents, Bernard and Cynthia Miller are seated  
9 right here. His aunt, Gwynn Miller, is right here.  
10 The mother of his child, and I call her girlfriend,  
11 Omaira Ramos, and her father are also here. They  
12 have a child in common, I believe she's 13 years  
13 old.

14 Also in the courtroom is law enforcement that  
15 worked this case. This is a fairly, still a small  
16 community. And when law enforcement pulled out,  
17 just about everybody got out there to work this case  
18 as you can imagine. This was middle of the night,  
19 so it involved a lot of hands. But we have Major  
20 Jay Koon. We have Lieutenant Matt Davis. We have  
21 -- I'm going to start forgetting names -- Mike  
22 Lawler. We have Scott Doogle. All of these folks  
23 were involved in this case helping prepare this case  
24 for me, for us, our team, because it involved a lot  
25 of moving parts of just, you had the crime scene and

1 then tracking down who did this.

2 Your Honor, just to let you know a little bit  
3 about Rez. He was 37 years old when this happened.  
4 He was single, but he was a father.

5 He was on a moped at the time. It was about  
6 2:35 at night. He's driving down Highway 6, which  
7 is right here in front of the courthouse, just maybe  
8 a mile and a half down the road, not even two miles.  
9 He was at an intersection right before you get to  
10 I-20. He had stopped at a red light, the light  
11 turned green. He stayed on his -- he's on his  
12 moped. And we have video of a truck coming up from  
13 behind him and hitting him and dragging the moped  
14 and Mr. Miller through that intersection.

15 I let the family know this: The pathologist  
16 said death was instantaneous, that he suffered a  
17 head injury. It was mostly internal and  
18 hemorrhaging that basically choked out his brain  
19 stem basically killing him, but that it was instant.

20 There is a gas station right catercorner to  
21 that intersection, a Shell gas station. Law  
22 enforcement promptly went over there and found that  
23 there's a video of the incident taking place. It's  
24 grainy. It's at a distance. Of course, this is a  
25 security camera that just happens to capture that

1 intersection.

2 What my office did was we took some still  
3 photos from that video. And if I can approach,  
4 there's a couple on here that I'd like to show Your  
5 Honor.

6 It begins with picture number one. You see a  
7 single light and double lights coming behind it with  
8 looks like a light rack. As it progresses, you see  
9 those lights all combine to make one. By the time  
10 you get down to photo six and seven, you see it  
11 appears that this truck appears to be dragging a  
12 vehicle, but you also see what appears to be tapping  
13 of brake lights. Those brake lights disappear in  
14 the subsequent photos and they're not present early  
15 on in the photos. Six and seven show the brake  
16 lights tapping.

17 Your Honor, obviously that was important to us,  
18 just showing some sense of awareness, somebody's  
19 hitting something, because when MAIT gets out there,  
20 they said there's no skid marks, no one's slammed on  
21 brakes. It's just the subtle tap of the brakes.  
22 Later there's actually another tap of brakes at  
23 least one other time as the truck is passing through  
24 the end of the intersection.

25 We also made a point to look to see, make sure

1 it wasn't a reflection from lighting, ambient  
2 lighting from the street lights or anything else.  
3 We looked at other cars going through. This is the  
4 only vehicle passing through that had brake lights.

5 Law enforcement put this video on the news and  
6 it was playing on all of our stations, does anybody  
7 have any information? This was just later that  
8 morning. This was 2:35 in the morning. By sunrise,  
9 this has plastered the news.

10 A concerned citizen by the name of Mark  
11 Simoneau, who happens to own a business and was in  
12 West Columbia at the defendant's dad's place of  
13 business, he has a trim shop for boats, Mr. Simoneau  
14 is in the trim shop that morning and hears a  
15 conversation between the defendant's father and an  
16 employee and they're talking about Mr. Nordan,  
17 Mr. Houston Nordan, about him needing to go home,  
18 they're sending him home. The customer said, What's  
19 all that about? And the employee tells him, Well,  
20 he came in smelling of alcohol, said he had wrecked  
21 his truck, had hit something and damaged his truck  
22 severely and so he was sending him home.

23 Well, law enforcement obviously went to  
24 interview that employee, that employee's name is  
25 April Hughes. She admitted that that's what she had

1 heard, that's what she had said.

2 They also talked to the defendant's father,  
3 Mr. Randy Nordan. Now, Mr. Nordan, the last time I  
4 talked to him, had a little bit different memory of  
5 things, but I had two officers that talked to him  
6 that day just hours after this collision and they  
7 asked him, Where is your son, Houston? He said, I  
8 sent him home. He came in and he'd been drinking  
9 and had wrecked his truck.

10 Then they told him the significance of why they  
11 were there and he directed them to the defendant's  
12 mother's house.

13 They went to the mother's house, Kathy Nordan's  
14 house, and they saw the truck in the driveway. It's  
15 a big 'ol Ram pick-up truck with a light rack on top  
16 and it had heavy damage. I'll show Your Honor just  
17 a photo of the front.

18 **THE COURT:** Have you seen that, Mr. Simmons?

19 **MR. SIMMONS:** Yes, Your Honor.

20 **MR. HUBBARD:** It also had a winch. Your Honor  
21 will notice the winch is propped up. When they got  
22 to the house, that winch was in the bed of the  
23 truck.

24 They spoke briefly to Mr. Houston Nordan. They  
25 didn't interview him at that time. In fact, they

1 never got to interview him. Obviously, he sought  
2 counsel by that time, and -- so they've never really  
3 had a conversation with him.

4 MAIT was called out, the highway patrol. They  
5 worked with Mike Lawler with the Town who does  
6 accident reconstruction. And, Judge, what they  
7 determined is that the speed of that vehicle was  
8 somewhere in the neighborhood of 36 to 43 miles an  
9 hour in that intersection. It's a 35 intersection.

10 In talking to the trooper, Steve Garrin, about  
11 how he came up with this calculation, he said, It's  
12 more likely than not it was 43. His reasoning is  
13 this: If it had been a glancing blow, that -- and  
14 he measures the speed of the victim. He says, The  
15 speed of the victim was more like 43 miles an hour  
16 equal to the speed of the truck. If there had been  
17 a glancing blow, the bike and moped would have gone  
18 off at a 45-degree angle. He said that accounts for  
19 the low end speed.

20 He said, But we know this was a head-on  
21 collision that dragged the victim and his moped out  
22 into the intersection. He said, Your victim, like  
23 that (indicating), was doing 43 miles an hour,  
24 plowed out into the intersection, dragged him about  
25 95 feet, almost all the way through the

1 intersection.

2 And he did a diagram. Mr. Simmons has seen all  
3 of these.

4 **THE COURT:** Okay.

5 **MR. HUBBARD:** Showing that both the moped and  
6 the truck are going in the same direction and  
7 approximately where the truck is hitting the moped.  
8 And, as Your Honor can tell, that accounts for this  
9 front-end damage.

10 Your Honor, there are also -- they took photos  
11 from the scene. This is an actual photo of where  
12 the moped ends up. And, Your Honor, you'll see  
13 there's a trail going to the moped. Those aren't  
14 skid marks from the bike, Your Honor, or the truck.

15 This is a picture of our victim, Your Honor.  
16 That's the skid mark.

17 Once they finished with that scene collecting  
18 various items -- and, Your Honor, there were a host  
19 of things. There were lights, multiple lights on  
20 the front end of the truck. They found a lot of  
21 that at the scene. When they found the truck, they  
22 could literally, like a jigsaw puzzle, put those  
23 pieces back together. There was a bug deflector,  
24 part of it was at the scene. It fit perfectly on  
25 the defendant's truck.

1           One thing law enforcement also did is they took  
2 the truck and the moped and positioned them against  
3 the winch to see -- determine the impact, the impact  
4 sight of the moped, again all confirming MAIT's  
5 conclusion this was a head on, that it just -- he  
6 hit him dead on and dragged him.

7           The winch is basically folded under. Pieces of  
8 the winch were found at that scene, including some  
9 of the words to Mossy Oak, it's a Mossy Oak winch.  
10 Some of those letters were found at the scene. They  
11 could literally go to that winch when they found it  
12 and spell Mossy Oak.

13           After law enforcement got all these things and  
14 also got the truck, all this is later that morning,  
15 Your Honor, they also got the defendant's phone  
16 records, and a number of things were very  
17 interesting about the phone records. At 4:00 in the  
18 morning, he texted his girlfriend, or his  
19 ex-girlfriend at the time, saying, I just got in a  
20 bad wreck and need your help.

21           But at 2:43, just eight minutes after this  
22 wreck, he's calling a friend. That friend is a guy  
23 by the name of Will Taylor. He calls him back and  
24 forth. They speak -- we've spoken to Mr. Taylor.  
25 Mr. Taylor says he doesn't have anything to do with

1 this case. Before we even asked him, he said, I  
2 never left my house that night, three times. But,  
3 Your Honor, there's about an hour and a half gap or  
4 an hour gap between their conversations, from these  
5 initial first conversations until Mr. Taylor and the  
6 defendant are talking again.

7 During the interim, about 3:15 or 3:30, on New  
8 Orangeburg Road, which is right on down off of 6,  
9 this same truck is spotted. A family of three  
10 individuals are in a house and they're awakened by  
11 the sound of some metal dragging down the road.  
12 This truck stops right in front of their house.

13 They go out to the front porch. They see this  
14 two-tone Dodge pick-up truck with a light rack with  
15 a winch folded under. They see someone get out of  
16 the driver's side is trying to lift that winch up.  
17 Someone inside that truck is flashing lights. All  
18 three of these people tell the same story. We don't  
19 know who that other person is, although we certainly  
20 suspect we know.

21 Your Honor, once the defendant and this other  
22 person saw there were people on the porch, they got  
23 in the truck and fled, drove on down the streets.  
24 We found parts of the winch in front of that house  
25 that match this winch in this case.

1           Doing a search warrant on the truck, we found  
2 blood on the outside of the truck. Initially, we  
3 thought, well, this must be Mr. Miller's blood. It  
4 wasn't. It was the defendant's. It went down the  
5 driver's side of the truck and then on the inside,  
6 the door handle. It's his blood. We think he cut  
7 his hand on his winch trying to get that winch off.  
8 We have photos of his hand showing cut marks.

9           Inside the truck, Your Honor, they found two  
10 bags of marijuana, looked like personal use  
11 marijuana. There was a baggy in the ashtray with a  
12 pipe, and there was a baggy on the passenger side.  
13 We also found an empty bottle of clonazepam, an  
14 anxiety medication, with the name Elizabeth Orvin on  
15 it. That belonged to the mother -- that's the  
16 mother of his ex-girlfriend. We asked her, How did  
17 your pill bottle get in there? She goes, I have no  
18 idea, no idea.

19           Your Honor, prior to this wreck, we -- in our  
20 investigation of the case, my investigator, Matt  
21 Martin, started talking to people at a bar down here  
22 called Wild Hare, which is on Highway 1. It's the  
23 other road that this courthouse is on the corner of.  
24 We would have had one or more witnesses that would  
25 have said that night both the victim and the

1       defendant actually came into contact with one  
2       another.

3               Your Honor, don't know the significance of  
4       this, but what we would have presented it for is we  
5       would show that Mr. Nordan was drinking that night  
6       before this collision. I have one witness that  
7       would say she's a bartender at another establishment  
8       and would not have served him at that point, and  
9       that is before the wreck. In fact, our victim calls  
10      her four minutes before he's killed. He's just  
11      checking to see where she is because she left the  
12      bar before everybody else to go home.

13             The victim was heading towards his house, which  
14      is down Highway 6. I'm not sure where Mr. Nordan  
15      was going because I know his parents don't live down  
16      that way. But, Your Honor, what we have is a man  
17      who's going home, he also has -- our victim also had  
18      alcohol and marijuana in his system. There's no  
19      question about that. We won't deny that. He did  
20      sit at the red light. It turned green. He stayed  
21      there for about 20 seconds. But, Judge, even if  
22      this is a, just a basic accident, there's still a  
23      duty to stop. We believe all the other information  
24      also justifies a reckless homicide charge.

25             The defendant has no priors, but he does have a

1 DUS. He was DUS at the time, should not have been  
2 on the road at all. We wanted Your Honor to know  
3 that.

4 Your Honor, I don't know if the family wishes  
5 to speak. I think three of them have indicated they  
6 would at the appropriate time.

7 **THE COURT:** All right. Mr. Nordan, you've  
8 heard the facts and the allegations from the State.  
9 Is that what happened, sir? I know you might take  
10 some exception to some of the sum of what the State  
11 says, particularly those allegations that may be  
12 speculative, but with respect to hitting this  
13 individual and killing him and then leaving the  
14 scene of the accident, all of those salient facts;  
15 is that correct, sir?

16 **DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** All right. I will accept the plea.  
18 It's been entered freely and voluntarily with the  
19 advice of counsel. I'll be happy to hear from  
20 anyone.

21 **MR. HUBBARD:** Yes, Your Honor. I believe I've  
22 got three people: The mother, Cynthia Miller; the  
23 aunt, Gwynn Miller; and his girlfriend, Omaira  
24 Ramos.

25 This is Gwynn Miller. She is the aunt of the

1 victim.

2 THE COURT: Welcome, Ms. Miller. Thank you for  
3 being here. State your name for the record, please,  
4 ma'am.

5 MS. MILLER: My name is Gwendolyn Miller.

6 THE COURT: Yes, ma'am, I'll be happy to hear  
7 from you.

8 MS. MILLER: Your Honor, I'm grateful for the  
9 time. I won't prolong. I'm the aunt of Hiram  
10 Juarez Miller. His mother is my sister. And I'm  
11 just here to let you know that I appreciate  
12 everything that has been done, but I'm very, very  
13 disappointed in the length of time it's taken, over  
14 two and a half years, drawing out. So many trips  
15 here for no apparent reason, but that's okay.

16 We miss my nephew. He was very well-loved.  
17 Nobody is perfect, but he was just such a good  
18 person. He made our life full of joy. And he just  
19 didn't deserve to be treated so inhumane. No human  
20 being should be hit, run over and then left. But  
21 I'm grateful that someone did come along and did  
22 call for assistance. Everything has been done  
23 decent and order since that time.

24 But I'm just so disappointed that it took this  
25 length of time just for a person to admit that they

1           were wrong and that they did something they  
2           shouldn't have done. But I would like to see  
3           everything done rightfully in judgment. I feel like  
4           the maximum sentence should be enforced because  
5           there has been no regret, remorse or anything  
6           towards my family, that anybody cared anything about  
7           what we were going through.

8           And so I just ask that you do what you feel in  
9           your heart is the best thing as far as justice  
10          because I know it was wrong and I know it should  
11          have been handled in a different manner and it  
12          wasn't. And anybody should at least care when they  
13          do take another person's life. They should just  
14          care enough to say, I'm sorry, I made a horrible  
15          mistake, or, I feel that I owe you all at least some  
16          compassion, but none of that was done and I think  
17          that you should take that into consideration. Thank  
18          you.

19                 **THE COURT:** Thank you for being here, ma'am.

20                 **MR. HUBBARD:** Ms. Ramos.

21                 **COURT REPORTER:** Can you spell your first name,  
22          please?

23                 **MS. RAMOS:** O-m-a-i-r-a. I would like to see  
24          the maximum sentence because what he took from my  
25          daughter she can't get back. She's only 13 and her

1 father will never be there. She will never hear his  
2 voice. She will never feel his touch. I have my  
3 father here with me today and that's something my  
4 daughter will never have.

5 He took away a lot and never, I'm sorry, never  
6 has admitted, still keeps secrets to this day, and  
7 that's fine. And for that reason, I want a maximum  
8 sentence because he never came clean and that's my  
9 biggest thing. Accidents happen and you correct  
10 them. You acknowledge what you do and you correct  
11 it. It's been two and a half years, never an  
12 apology, never an acknowledgment. I don't expect  
13 anybody to bow down and ask for forgiveness. I just  
14 want you to acknowledge what was wrong, acknowledge  
15 that this 13-year-old, she has no daddy. She has  
16 Christmas, she has birthdays, Father's day that we  
17 go to a cemetery and we put flowers on a grave site  
18 and that's what she has.

19 They're going to say goodbye to him, but it's  
20 only going to be till see you later because they'll  
21 see him again. They'll hear his voice. My daughter  
22 doesn't hear her father's voice. She hears it on  
23 recordings or videos or pictures because that's all  
24 she has and it's not right.

25 **THE COURT:** Thank you, ma'am. I appreciate you

1           being here.

2           **MR. HUBBARD:** Cynthia Miller, the mother.

3           **MRS. MILLER:** Well, I know that it's been a  
4 long time coming, but with your judgment, I think we  
5 will get some kind of benefits from this judgment.  
6 Even though we -- it's our son and everybody mostly  
7 just love him, he just meet you and he just like  
8 instantly become your friend and that just was his  
9 way.

10           So in this judgment, we just want you to just  
11 do what you really believe it should be because even  
12 though it might be years out of one person life, but  
13 it's just going to be totally forever in our life  
14 because it was our son. And we just want to thank  
15 you in advance of what you believe and will do right  
16 about the decision you make.

17           **THE COURT:** Thank you, ma'am. I appreciate  
18 that.

19           **MR. HUBBARD:** Your Honor, I should note, and  
20 I've talked with the family, we had scheduled this  
21 case for a trial over a year ago. It was properly  
22 continued and I won't go into those reasons, but a  
23 trial date was set by our judge and that was this  
24 week, so that's why we're here. Thank you, Your  
25 Honor.

1           **THE COURT:** Yes, sir.

2           All right. Mr. Simmons.

3           **MR. SIMMONS:** Thank you, Your Honor. There are  
4 several areas in which I would like to touch on:  
5 First was when this case was scheduled for a trial  
6 and properly continued, that was because someone set  
7 my office on fire. So it was pretty hard to finish  
8 getting ready and getting here for trial when you've  
9 got an office that's been set on fire and the West  
10 Columbia Police Department {sic} had to come put it  
11 out. All right, that was one.

12           Number two, this was not an open and shut case.  
13 You know, you've seen some photographs as the State  
14 showed them today, and we don't agree with all the  
15 facts as they have presented them.

16           You know, here's the things that you haven't  
17 been told: Mr. Miller's DNA was not found on the  
18 truck. We couldn't figure that out. The parts of  
19 the winch that were found in the intersection and at  
20 another location, his DNA was not on those as well.  
21 We could not figure that out. Some of their own  
22 witness statements, the witnesses that they're  
23 relying on, saw what we consider to be a different  
24 truck, two people in a silver and burgundy or they  
25 may have even said burgundy and silver truck, that's

1 not my client's truck.

2 And all of this comes together for a reason  
3 because he can't tell you what happened as he went  
4 through that intersection. It's because of his  
5 medical condition and the medications that he was  
6 on.

7 So here we have no DNA, conflicting witness  
8 reports, he had not been drinking and we had to  
9 piece together what had happened. So that's -- a  
10 couple more things before I get to that: Where they  
11 said that you see a brake light, we have two videos  
12 and we watched them ad nauseum. And in one of the  
13 videos, we swear it was a red truck that went  
14 through the intersection. And we finally came to  
15 the conclusion that it had to be the red light that  
16 controlled that intersection, which would also  
17 account for more illumination of a taillight as you  
18 go through there.

19 Now, this witness, April Hughes, that they  
20 talked about that said that my client smelled of  
21 alcohol and been drinking, well, she's been  
22 terminated from Nordan's Trim Shop. And it appears  
23 as though she's charged with breach of trust from  
24 stealing thousands of dollars from them and she had  
25 a vendetta against Houston.

1           Now, I would like to hand the Court up a couple  
2 of documents, if I may.

3           **THE COURT:** Have you seen this?

4           **MR. HUBBARD:** I have. Your Honor, my only  
5 question is if there's a defense of I don't know  
6 what happened, I think we need to address that.

7           **MR. SIMMONS:** That's not where we're going,  
8 Your Honor.

9           **THE COURT:** Okay. I'll hear you out.

10          **MR. SIMMONS:** All right. The Shuman-Owens  
11 receipt, that shows where Randy Nordan sent Houston  
12 Nordan to Shuman-Owens to pick up supplies the  
13 morning after this wreck took place. And Randy  
14 Nordan, I've talked with him, he says he wouldn't  
15 send his son to go pick up supplies had he been  
16 drinking.

17          Here's what Houston did wrong: The medications  
18 that he took at approximately 11 o'clock that  
19 evening included lisinopril, which was for blood  
20 pressure; Tramadol, which is a very mild pain  
21 killer; cyclobenzaprine, which is a muscle relaxer  
22 and an anti-inflammatory medication. That was the  
23 reason that we hired Dr. Shawn Fuller to give his  
24 report.

25          One of the big problems was the lisinopril

1           itself can cause blackouts and that's what our  
2           defense was. And we started looking at this case  
3           and said, you know what, the problem is is the  
4           defense could also convict you. Where do you go  
5           with this?

6           So now's the point where I want to give you  
7           Houston's background before we tell you exactly what  
8           happened that night. Houston is now 26 years old.  
9           He's still employed at Nordan's Trim Shop. He  
10          started working in this shop with his daddy as a  
11          small child. You know, he's now 26 years old.

12          In 2003, he graduated from Lexington High  
13          School. And after high school, after the summer, he  
14          went to Midland's Technical College in order to  
15          learn how to manage a small business, that was his  
16          goal. In 2008, he got the call and he went into our  
17          military going into the Marine Corps. He went to  
18          boot camp.

19          During boot camp, a drill instructor went to  
20          kick a bag of instruments and kicked Houston by  
21          accident and it severely injured him. For the next  
22          month, he was in the hospital, and for the next six  
23          months, he was walking with a cane or was in a  
24          wheelchair. He still finished his basic training,  
25          his boot camp, became a marine. He went to combat

1 training. He completed his combat training.

2 In 2009, he went to his MOS where he wanted to  
3 become an electronics slash communication  
4 technician, was out in California at the time, still  
5 walking with a cane and was walking down some steps,  
6 the cane got jammed, he slipped, fell, and that's  
7 what you pick up from Dr. Fuller's report, and  
8 severely injured his back. So he fought them  
9 putting him out of the military. So in 2010, six  
10 months after this, he was involuntarily discharged  
11 from the military. His disability rating right now  
12 is between 50 and 60 percent.

13 Now, when he had the fall, the back injury is  
14 what we consider, I guess, compression fractures  
15 among other things. Now, the V.A. had a  
16 chiropractor and when he would go see the  
17 chiropractor, he would go get some relief. Well,  
18 they quit providing the chiropractic treatment and  
19 decided to treat them with drugs instead. We think  
20 it's a big mistake, but that's the V.A. and we don't  
21 have any power over them.

22 The night -- well, as you can see from Dr.  
23 Fuller's report, his medications were changed  
24 several times over the course of a month or two just  
25 before this wreck. The State also interviewed my

1 client's ex-girlfriend, as well as the mother, who  
2 said, When these changes in medication came on, he  
3 became lethargic. He started acting differently.

4 The night of this, Houston had taken certain  
5 medications and had broken up with his girlfriend,  
6 was upset about it and went to look for her.

7 He can't tell you what happened at impact, but  
8 what he can tell you is that after that time period,  
9 he noticed something was dragging, stopped his truck  
10 and the winch was dragging. His first thought was,  
11 oh, my God, because he is not that good of an  
12 engineer as far as putting a winch on a truck, that  
13 he had hit something and the winch just came off.  
14 He then saw the front-end damage, and that's when we  
15 say, when you see that much front-end damage, you  
16 should know you've hit something, you know, whether  
17 it be another vehicle that's unoccupied, an occupied  
18 vehicle or what, and that's when you should find out  
19 what's going on and return to the scene.

20 As far as the reckless homicide, I mean, yes,  
21 he was under suspension for -- on a motorcycle  
22 ticket that he had never paid. And he did the same  
23 thing that other young people do, he moved from one  
24 residence to another one, didn't pay the ticket and  
25 then didn't get the notice that he was under

1 suspension.

2 But the big thing was that he took his  
3 medications and then drove. And he has shown a lot  
4 of remorse for what has happened. Of course, he's  
5 not going to go to the family before all this was  
6 over and tell them that he is sorry. He is here  
7 today to tell them he is sorry. I have dealt with  
8 him for two and a half years and seen what he has  
9 gone through. And this whole thing has bothered him  
10 as well, not because he was arrested, but because he  
11 knows he killed somebody.

12 He still, to this day, suffers from depression  
13 and anxiety along with his physical ailments. At  
14 this time, his medications include Baclofen, which  
15 is for muscle pain and spasms; meloxicam, which is  
16 an anti-inflammatory; Tramadol, which is the mild  
17 pain killer. They've got him on metoprolol for the  
18 blood pressure and gabapentin, which is a nerve pain  
19 medication. So the V.A. still treats him.

20 You know, he understands he's going to prison.  
21 We all understand that. He would like to address  
22 the Court. He would like to address the family and  
23 tell them how remorseful and how sorry he is for  
24 what happened.

25 And, Your Honor, we ask for a minimal sentence.

1       You know, he's going to have to serve 85 percent of  
2       it. He understands that when he comes out of jail,  
3       that he'll have no driver's license, he could easily  
4       go back, he'll still be under supervision, and that  
5       he's got to make something of himself. And I think  
6       that this man can do that. He is ready to pay his  
7       debt to society, Your Honor.

8               But one of the main things is, he's told, that  
9       at this point in time, by the time he's 50, he  
10       probably will not be walking. And I think the V.A.  
11       needs to take care of him and they're not going to  
12       take care of him when he's in the state system.  
13       Thank you.

14               **THE COURT:** Thank you, Mr. Simmons.

15               Mr. Nordan, be happy to hear from you, sir.

16               **DEFENDANT:** I just want to let everybody know  
17       that I truly am sorry, and listening to y'all today  
18       does make it that much worse. I am very sorry for  
19       what I've caused whether or not y'all can forgive me  
20       or -- I want to let you know I'm truly sorry for  
21       everybody. Thank you, Your Honor.

22               **MR. SIMMONS:** And his mother is also here, if  
23       she can speak, Your Honor.

24               **THE COURT:** Yes, ma'am.

25               **COURT REPORTER:** Can I get your name?

1           **MS. FOSTER:** I'm Kathy Foster. I want to  
2 extend my sincere apologies. As a mother to a  
3 mother, I cannot imagine what you have gone through.  
4 I truly am sorry. I sent into the Marine Corps a  
5 man that was somebody totally different than who I  
6 got back. And I just want y'all to know that if  
7 there were any way that I could turn things back,  
8 that I would.

9           We haven't been given the opportunity to  
10 express our remorse and tell you that I'm sorry, but  
11 I want you to know that we are very truly sorry. My  
12 family, my son and I are very sorry for your loss.

13           Thank you, Your Honor.

14           **THE COURT:** Yes, ma'am. Thank you.

15           Anything further from the defense?

16           **MR. SIMMONS:** No, sir.

17           **THE COURT:** All right. Ladies and gentlemen,  
18 it is indeed unfortunate that we find ourselves here  
19 under such tragic circumstances. And I am truly  
20 sorry from a personal perspective for the tragedy  
21 that has befallen not only the victim and the  
22 victim's family, but also the defendant's family,  
23 because I know that this is a tragedy that you have  
24 to suffer under as well. And I'm also sorry that  
25 there's nothing that I can do to remedy this

1 situation. I'm mere mortal man and all I can do is  
2 issue a sentence in this case, but I can't do  
3 anything to remediate or address the hurt and the  
4 angst that everyone feels is a consequence of this  
5 tragedy.

6 I'm required to sentence Mr. Nordan to a period  
7 of incarceration in this case and I intend to do so,  
8 but I do want to tell everyone that you should not  
9 look to that sentence for vindication or for closure  
10 because that sentence really, at the end of the day,  
11 whether it's the maximum or the minimum, will not  
12 remediate the situation and it won't bring you one  
13 step closer to reconciling this spiritually or  
14 personally. You should look to your Lord and your  
15 Maker to reconcile this and for closure in this case  
16 and don't look to the sentence, because, as I say,  
17 this sentence, regardless of whether it is the  
18 maximum or the minimum, cannot appropriately address  
19 the tragedy that has happened in this case and it  
20 could never, never sufficiently address the loss  
21 that you feel.

22 I've heard from both the victim and the State.  
23 I heard from the defense and the defense's family,  
24 and I take it all into consideration.

25 On the reckless homicide, the sentence of the

1 Court is ten years in the department of corrections  
2 concurrent, credit for any time that you may have  
3 served.

4 On the hit and run, sentence of the Court is  
5 you be committed to 20 years, provided upon the  
6 service of ten years, the balance is suspended to  
7 probation for five years concurrent. Credit for  
8 time served. During that term of probation,  
9 substance abuse counseling, random drug and alcohol  
10 testing.

11 Good luck to you, Mr. Nordan.

12 **MR. SIMMONS:** Thank you, Your Honor.

13

14

END OF PROCEEDINGS

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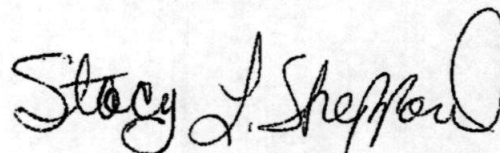
## C E R T I F I C A T E

1  
2  
3 STATE OF SOUTH CAROLINA  
4 COUNTY OF LEXINGTON  
5

6 I, the undersigned, Stacy L. Sheppard, Circuit  
7 Court Reporter for the Eleventh Judicial Circuit of  
8 the State of South Carolina, do hereby certify that  
9 the foregoing is a true, accurate and complete  
10 transcript of record of all the proceedings had and  
11 the evidence introduced in the guilty plea of the  
12 captioned cause, relative to appeal in the Criminal  
13 Court for Lexington County, South Carolina, on the  
14 9th of December, 2013.

15 I do further certify that I am neither of kin,  
16 counsel, nor interest to any party hereto.  
17

18 January 23, 2014

19  
20   
21

22 Stacy L. Sheppard, RPR  
23 Circuit Court Reporter  
24  
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