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Published: October 08, 2009

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Billy Hardee found not guilty on deadly hit-and-run charges

By Aisha Khan

A jury found Billy Hardee, 71, not guilty on charges involving a deadly hit-and-run incident in 2006. The jury's decision came down on the third day of his trial, after deliberating about 2 hours on Thursday afternoon.

A jury found Billy Hardee, 71, not guilty on deadly hit-and-run charges Thursday afternoon.

Witness questioning continued Thursday morning and the jury began deliberating its decision shortly after Noon.

Hardee is the co-owner of the Myrtle Beach Speedway and was charged with hitting and killing a man in October of 2006, then leaving the scene of the accident.

Opening arguments in the trial started Tuesday with Fran Humphries, Deputy Solicitor for the 15th Circuit Solicitor's office, saying that 'Hardee violated the responsibilities of a driver by leaving the scene.'

Investigators say Hardee hit and killed Rashonn Roy Simmons and did not report the incident to law enforcement.

Simmons was a 26-year-old man from Loris. His body was found in a ditch off of Sea Mountain Highway in Little River, near the Highway 90 intersection.

Hardee's defense attorneys told the court that 'their client is pleading not guilty.'

Hardee wasn't charged with the deadly hit-and-run until January of 2007, when he turned himself in to Highway Patrol troopers. A judge gave Hardee a \$35,000 bond and ordered him to pay \$225 for driving too fast for the conditions. In 2008, Hardee paid the Simmons family \$800,000 in a wrongful death lawsuit.

In an interview with Simmons' mother, she said the money doesn't come close to easing the pain she and her family felt after Simmons' death.

Ella Hemingway believes the person who hit her son could have done something to help save him.

"You know that if you hit someone like that there, you're going to stop and see what you hit or how it did your car and my son could have been lying there hollering for help or anything; could have called an ambulance so somebody could have gotten to him," Hemingway told News13 in 2008.

Simmons' family came to Tuesday's trial after jury selection.

"It's pretty rough can't sleep good at night, you know think about him," said Simmons' uncle Donnie Gause, "and you see him lying in that ditch and you know that don't go away, so just glad to see justice is coming to an end or start any way."

During a brief recess Wednesday Hemingway told News13 that she 'just wants Hardee locked up instead of just walking around freely.'

Evidence such as photographs from the accident scene, the vehicle that Hardee was operating that struck Simmons and witnesses from South Carolina Highway Patrol and those who know Hardee in this case were also presented to the jury.

Among the evidence the jury was presented with were Simmons' autopsy photographs by Cpl. J.T Perry who is with the Multidisciplinary Accident Investigation Team.

During direct questioning Perry told Humphries that from the photographs it is evident that Hardee's front hood and headlamp struck Simmons' from the back while Simmons' was standing upright. Some clothing fibers Perry said was also found right above the head lamp.

Hardee took the stand later in the day for direct questioning with his defense attorneys and cross examination with Humphries.

Both asked Hardee to describe the night of the accident and Hardee kept responding that he didn't know what he had hit.

"I looked outside my door and I didn't see anything didn't hear anything and I stayed out there for a few minutes and then after that I assumed that a deer had hit me because I didn't see anything, I can't tell you what it was not even today, after I looked I said it must be a deer that ran off into the woods, so I turned the car back around and went home."

The jury handed its verdict after two hours Thursday basing it on the fact they said was just an accident.

Simmon's family left the courtroom immediately after the decision.

Hardee's attorney Morgan Martin said that though he has happy with the verdict he still wants Simmons' family to know that he is sorry.

"My heart goes out to them but at the end of the day that was an accident Mr. Hardee was charged with a crime and he wasn't guilty of that."

Hardee told News 13 in an off camera statement that, "it's been a long three years and when you have something like this hanging over your head, it's the worst.

He continued to say that "I'm sorry about the Simmon's family and that it was an accident".

Coming up tonight on News13 at 11, Landon Sears sits down with the family to talk about their loved one. Count on complete coverage.

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