

## Man gets jail term in bicycle accident

Driver had left injured cyclist unconscious on the road

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Herm Franks Jr. was an enthusiastic athlete until a driver slammed into him on his bike in March, got out and peered at the unconscious Franks on the road.

The driver then raced off to hide the car and lie low from police.

Franks, 57, was left with shattered bones, a severe head injury and shoulder nerves so badly damaged that he cannot feed himself with his right hand.

The driver, Nicholas Murdock, 28, was sentenced Friday for three misdemeanors during a lengthy and emotional hearing.

Third District Judge Michele Christiansen sentenced Murdock to 270 days in jail, leaving open the possibility of early release after 120 days if Murdock completes an in-jail substance-abuse program. She also put him on probation for 36 months, ordered him to get an interlock device on any cars he drives, take prescription Antabuse (a drug that makes people ill if they consume any alcohol) and perform 200 hours of community service.

Christiansen chided Murdock for the "level of cowardice and the level of callousness" he displayed when he left Franks so badly injured at the accident scene and then tried to conceal his actions.

"I do think what you have done is pretty atrocious," Christiansen told a red-faced and tearful Murdock.

Franks is the son of the late Herman Louis Franks Sr., a renowned baseball figure who, among other things, managed the then-New York Giants and Chicago Cubs.

After the accident, one of the most regrettable things for Herm Franks Jr. was the fact that his father died while he was unconscious for five weeks in an intensive-care unit, according to Franks' civil attorney and friend, Terry Welch. Franks also spent two months in a medical rehabilitation center and, with hard work and a positive attitude, learned to walk again.

However, he lives with constant pain in his wrist, shoulder and leg.

Welch told Christiansen that "the last thing Herm Franks wants to be is a whiner," which is one reason he did not attend Murdock's sentencing.

However, Welch said Franks has spent a great deal on medical bills, lost \$175,000 in wages and is worried about his future insurability, for his sake and also for his family.

Murdock wept as he listened to the litany of Franks' injuries and told the judge he takes full responsibility for what he did.

"I want to publicly apologize to Mr. Franks, his family and the community for letting everyone down by making the biggest mistake of my life," Murdock said.

Jeremy Delicino, Murdock's lawyer, said his client has been deeply remorseful for his actions. "He realizes the gravity of what he's done. He knows it is more than the worst thing he's ever done."

Delicino also noted that the accident was simply an accident, that Murdock never intended to hurt Franks, but Murdock's conduct afterward was what produced the criminal charges.

Delicino also said Murdock did not take a plea bargain but instead pleaded guilty to the charges against him: leaving the scene of an accident with injuries and obstruction of justice, both class A misdemeanors; and reckless driving, a class B misdemeanor.

However, prosecutor Kristin Zimmerman said Murdock had not always been so forthcoming, and she pushed for a stiffer sentence.

Zimmerman said Murdock was heading south on Wasatch Boulevard near 6500 South, sped around a curve and smashed into the northbound Franks head on, vaulting Franks into the windshield and over the top of the car.

She said Murdock got out and looked at Franks, then opened the trunk of his car — ostensibly to get a first-aid kit — but then fled. Zimmerman is convinced that Murdock never intended to get a first-aid kit, but simply hoisted the trunk so witnesses could not see his license plate. The white BMW was later discovered at Murdock's mother's house, through painstaking police work. Officers found it draped to cover accident damage and with the plates blocked from view.

Zimmerman also said Murdock sent text messages to a passenger in his car saying, "We hit a deer, we hit a deer."

The passenger has told law enforcement officials that the pair was at a restaurant earlier and Murdock had been drinking, but since he had left the accident scene, there is no way to determine if he had been driving under the influence.

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