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DEC 19 2022

SC Court of Appeals

On December 9, 2016, a Dillon County Grand Jury indicted Appellant for (2) counts of Attempted murder (2016-C15-17-0875; -0879), Kidnapping (2016-C15-17-877) possession of a weapon during the commission of a violent crime (2016-C15-17-0878), and Esc. 1<sup>st</sup> degree (2016-C15-17-0876) That was Dismissed at trial by Jury.

The State Represented by Megan B. Buchstead and Joel Kozak from the Attorney General's office, called case to trial on July 23-26, 2019, before the Honorable Roger E. Henderson and a Jury. Matthew Swilley esq Represented Appellant.

This matter contains the Judge Jury Instructions, weapons not going through Chain of custody, and how I wasn't treated fairly at trial and throughout the whole case since the beginning of me being incarcerated.

At the Conclusions of the presentations of evidence + Argument, the Judge instructed the Jury on the law.

However, he stated the Charge's was Confusing at Best.

At one point, the Judge instructed the Jurors that an attempt includes a Specific intent to do a particular Criminal Act along with an act falling short of Act intended.

He told the Jurors that intent means intending the Results which actually occurs then, when instructing on Attempt murder, he informed the Jurors that a specific intent to kill (was) not an element of Attempted murder.

Instead, all that required was for the State to prove a General intent to Commit Serious Bodily Injury.

Then he reminded the Jurors that intent means intending the results which actually occurs.

The U.S State's Supreme Court determine that attempted murder does Required a Specific intent to kill

At trial the state introduced a knife that was discovered by someone other than investigators. This knife was found 5 days later and brought into custody by Dillon County Police Department on 10/15/2016 and there was no chain of custody or any forensic test done to the evidence that prejudice me.

The Jury Charge instructing that malice be inferred from the use of a deadly weapon is no longer good law in South Carolina, where evidence is presented that would reduce, mitigate, excuse, or justify the homicide.

Regardless of the evidence presented at trial, the courts shall not instruct a jury that the element of malice may be inferred when the deed is done with a deadly weapon.

In this case I didn't have a fair trial. I didn't get treated as an equal. This is American everybody suppose to be treated fair.

Im steady being held accountable for these actions when im not guilty.

The Dillon County Law Enforcement, The Attorney General & The Judge made me Guilty by the Conduct in office.

That's something I can prove.  
The Judge didn't uphold the law he changed it that put me in prison.

He is wrong he confused the Jury. Even tho the state presented evidence's to try to prove there case, that prejudice me in a major way.

There was not a full thorough investigation done in this case.

In order for me to get out of prison the Judge gotta correct his wrongdoing.

I pray that this Court look into what Im presenting & help me to Justice!

*S/ Tyreek Hayes*  
*Dwain Her*

STATE OF SOUTH CAROLINA )

INDICTMENT FOR

COUNTY OF DILLON )

Murder/Attempted murder Penalty statutes 16-03-0029; Felony Class A - eff date 6-02-2010

§16-03-0029

At a Court of General Sessions, convened on December 8, 2016, the Grand Jurors of Dillon County present upon their oath:

ATTEMPTED MURDER

CDR: 3410, 16-3-29

That Tyreek Dashawn Hayes did in Dillon, on or about 2016-10-01, with specific intent to kill, attempt to kill Candace Simpson with malice aforethought, either expressed or implied, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

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WILLIAM B. ROGERS, JR.  
SOLICITOR

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA )

McCormick )

County of \_\_\_\_\_ )

VERIFICATION

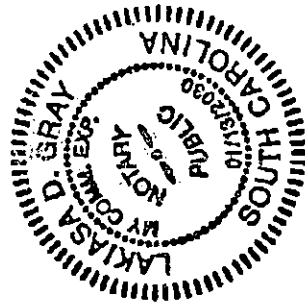
I, Tyreck Dashawn Hayes, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

[Signature]

SWORN to and subscribed before me this 1st day of December, 2021.

Lakisha D. Gray (L.S.)  
Notary Public

My Commission Expires: 01/13/30



Mr. Tyreek DASHAWN Hayes 003666300

McCormick Correctional Institution

386 Redemption WAY

McCormick SC 29899

AUGUSTA GA 309

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South Carolina Courts of Appeals

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