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Allendale Correctional Institution
Po box 1151
Fairfax, SC 29827

RECEIVED
OCT 14 2020
SC Court of Appeals

September 30, 2020

South Carolina Appellate Court
Attn: Clerk of Court
Jenny Abbott Kitchings
PO Box 11629
Columbia, SC 29211

Dear Clerk of South Carolina Appellate Court- (Jenny Abbott Kitchings):

Goodday Ms. Kitchings, my name is Dillan Jesse Hapner born 07-08-1992, inmate ID 00382763, reference: State V. Hapner #2019 = GS = 02 = 00839 (2018A0210201229).

I am writing in regards to my appeal being dismissed, due to lack of explanation of my guilty plea. I understand that since the dismissal of my appeal, my "attorney" Tyrone Walls has since filed to remove himself from my case and at the same time filed to reinstate my appeal. It is concerning as he never mentioned he would be doing that. When he was asked to do so by my step mom because he was still my attorney, he stated he doesn't work for free and didn't appreciate being harassed. In fact, my step mother told Mr. Walls after he refused that she would be filing a complaint against him with the bar association. He told her good luck. After she told him of the complaint she planned to file, he took it upon himself to reinstate my appeal without my consent and after stating he would not be doing so. I planned to reinstate my appeal myself but when my step mother called your office to see if a letter about the dismissal had been sent out she was told that Mr. Walls had actually filed a reinstatement. She asked what explanation he gave regarding my guilty plea. She stated it was concerning he filed to reinstate after refusing to do so, especially without my consent. As he never spoke to us as far as what he planned to say on my behalf, since I am the one who had to plead guilty. She was told he only gave 7 reasons as to why he never did what he was required to and never sent in the reason for my guilty plea. That is also concerning because we planned to send in the information you requested to make sure you understood why I plead guilty. With Mr. Walls not giving an explanation, let alone even asking me prior since he is supposed to do things on my behalf not against my will, he has again kept me from moving forward in the manner I choose. With him filing the reinstatement I am left having to leave my freedom in his hands again and he didn't even complete the request you gave for the information needed.

I know this has to go before a Judge before they can even reinstate my appeal. My hope is that you will read this letter and take my request over Mr. Walls. He has been working against my wishes and I'm concerned my appeal will not be reinstated if you decide take Mr. Walls' request over mine. My hope is that you will see that Mr. Walls has been keeping me from moving forward and from reinstating my own appeal. Below is my explanation as to why I plead guilty and how Mr. Walls continues to interfere.

The following is My request. I would like to file a motion to reinstate my appeal on the grounds my attorney Tyrone Walls was supposed to provide this explanation. He filed an appeal as did I, however only his was taken due to him still being my lawyer at the time. Despite his statement that he removed himself from my case in his appeal letter in November 2019. Unfortunately, he never filed a motion to be removed until my step mother asked him to do so September 08, 2020. After 10 months past of still being my lawyer and after stating he was removing himself, he finally filed a motion to do so. Unfortunately, in doing so he has kept me from completing my own appeal and moving forward until he filed that motion. He also refused to help us when we needed information he was required to provide and work he was required to do until he filed the motion to be relieved as my attorney. In fact Mr. Walls intentionally didn't send an explanation to you because he told my step mom he doesn't work for free and her asking for his help that he is required to provide, was considered harrassment. We aren't sure why he has been working so hard to keep me from moving forward. But from the get go he never provide effective counsel. He was never zealous about this case, in fact he was anything but. He kept me from going to trial, as I repeatedly asked to do. He refused to show me any of my case files and even evidence in this case that would have potentially secured my freedom. He didn't even know my charge was a violent charge, I had to tell him it was and he went as far as to look it up and then agreed once he realized he was mistaken.

There is a 13 month old child who's death has never been fully investigated to the point of exhausting all leads and to see how it is possible she was hit twice like her parents claim, when the evidence proves I could only have ran her over one time. Baby Rylee even had methamphetamines in her brain and liver, yet that was buried and never looked into. There are audio recordings that prove the parents were robbing me when the accident happened making them cupable and mitigating factors in their child's death, but the Judge refused to listen to them. Yet Mr. Walls didn't put up a fight to prove I was forced to leave the scene. When it came to explaining what happened by the prosecution the Grandfather who wasn't even there that night was able to tell the Judge what happened, despite being no where near the accident and having no factual proof what he claims happened did. Why let

someone who wasn't there explain what they saw. When eyewitness were never questioned, even though one gave the victim CPR and called 911 several times to let them know something wasn't right with the victims mother's side of the story. They were never contacted by anyone, let alone my lawyer- especially when it would have backed up what I said happened. The parents are mitigating factors in this accident. At the time of this incident I was being robbed at gun point by the parents and their friends while their children were in the yard right next to them, leading to their daughters death. The fact a gun was being pointed at my face was the reason and what caused me to flea the area due to fear of being killed. Unfortunately because the parents had their children next to them while there was a gun being pointed at my face- their daughter lost her life when I drove away to save my life. The parents were in court, yet they didn't explain what happened despite being there that night.

The ball has been dropped endlessly in my case. And the sad thing is a little girl lost her life but no one seems to want the truth out or to really find out what happened that night instead of assuming I ran her over intentionally like they claim. The evidence proves I couldn't have hit her twice and did leave in a hurry. That is fact. But the statements from the other side involved claims I did this on purpose and hit her twice. They never looked into the robbery, nor spoke to eye witness that gave her CPR and even repeatedly called 911 because something isn't right with the mother or even spoke to individuals with blood on their person who ran from the scene when the police arrived. Even a witness who gave a false name had her statement taken in as fact. I was forced out of fear by Mr walls to take a plea for something I knew was wrong. I know I am innocent, I wanted to fight this charge and go to trial. He agreed at one point saying this is a no brainer we will win. Then 2 months pass and he says there is no way we will win in trail, I could get 25 years, that my life would be over as I knew it. He was confident if we take a plea that I'll get the lower end of the 12 years, if not time served. Yet at sentencing I was made to look like a baby killer and was given 11 yrs. Something that devastated my family but they saw Mr. Walls smiling upon being taken back to jail. It was rather unsettling. He was too happy so quickly after I got 11 yrs. I'd have thought he would've been disappointed, not elated. But perhaps that is why he has been dragging his feet from the beginning and even still to remove himself as my attorney or not returning information you requested from him, the list goes on. Had I known I was supposed to submit this explanation I would have done so immediately. But Mr. Walls intentionally didn't respond and with him still being considered my attorney there was nothing I could do until he removed himself by way of motion. Leaving me having to file this motion for my appeal to be reinstated because though he caused it to be dismissed, he refused to reinstate it for free, even though he was at fault for it being dismissed by intentionally dropping the ball. And now that he took it upon himself to file to reinstate my appeal, he again has kept me from moving forward by intentionally leaving out information

requested and filing without my consent. He has done everything but represent me as a client, he has only been representing himself, over what I want. I am the one who had to plead guilty, I am the one who should be giving the reason as to why, not Mr. Walls. Especially when Mr. Walls was a huge factor in my pleading guilty. He should be asking me what I want him to give as reasons why I plead guilty, not taking it into his own hands and answering that question on my behalf without consulting me first. Let alone answering for me when he removed himself and refused to work with us and told us to leave him alone. If he contacted me to ask what I would like him to state for reasons why I plead guilty, that would be different. But he was so rude to my step mother when she asked him to do what he is required by law to do, he told her never to contact him again. She has simply been trying to help me move forward, and had been unable to do so with him dragging his feet and working against us. By him continuing to file motions without my knowledge on my behalf, my appeal has been dismissed and potentially will be again if the Judge handling my request only take Mr. Walls request and not mine.

I believe looking into this case and reviewing the transcripts and evidence you'll see this was never fully investigated, witnesses were never questioned, let alone followed up with. The victim had methamphetamines in her brain and liver, yet that was hidden. I was never given anything to look over in my case, it was continually kept from me. The evidence and witnesses could potentially have secured my freedom. The lead investigator is close personal friends with the victims family. The Judge requested to preside at my sentencing. After doing so he refused to listen to audio recordings that proved I was being robbed before handing down an 11 year sentence out of 12 possible. I was also denied a fast and speedy trial two times, which is my right under the sixth amendment.

So many things went wrong in this case. But most of all a little girl lost her life due to her parents negligence. I would never intentionally take her life, as I saved it just weeks prior from a hot car, her and her brother were left in late at night while her parents were inside a house nearby smoking methamphetamines. I immediately removed the children from the car and placed them by my air-conditioning unit inside my house and gave them something cold to cool them down. I went next door and confronted their parents. Out of pure anger for leaving their young children in a hot car on the verge of dying if they were left any longer while they were doing drugs, I actually hit the Father. I couldn't believe what I was experiencing with the children near death in the hot car. Where they were left in dirty diapers that had a smell that slapped me in the face like I'll never forget when I opened the door. All while their parents were getting high in a house near by. To think I actually gave them back to their parents and didn't contact the police still haunts me. Because then just weeks later I am faced with my own life being threatened at gunpoint by her parents and their friends and having to decide between living and dying myself. But because I chose to

live and had to flee the scene Rylee lost her life. The fact she was able to get under my truck is still beyond me. I saw her in her carseat in the grass outside her parents car near the road when I walked out to my truck before this all happened. Then moments later I was asked for an aux cord from Skylar Bloodworth her father. After I handed him one from inside my truck to the passenger side window, suddenly a gun is pointed in my face by one of the two men who show up on my driverside out of nowhere. Natural reaction to having a gun in your face isn't to stay, it's to leave as soon as possible. Next thing I knew was Rylee was in her carseat under my tire. I put my car in drive and hit the gas. After moving forward I suddenly stopped. I saw the carseat facedown in the grass behind my truck in the rearview mirror. Sierra Daniel's, Rylee's mother began to yell I hit her child, while all the men came to grab at me to pull me out of my truck. I was forced to leave this time due to my life being threatened again and I was definitely out numbered. My regret now is that I didn't call 911 right away as soon as I left. I was so fearful of my own life being taken, I was forced to leave the area. I was in complete shock after this took place I didn't know what to do so I parked my truck down the street and called my mom, she told me to turn myself in. As I was planning on turning myself in, I was tracked down and arrested instead.

My hope is that you will see this was never intentional, but there was a huge reason for me leaving the scene. That the investigation never was fully completed and her death was never looked into further. Especially when this isn't a simple, cut and dry case. A 13 month old lost her life because her parents had her present when they choose to rob me. Mr. Walls he been working against my wishes since the beginning. He has continue to interfere since and considers it harrassment when he is asked to do what he is required to, being that he was my paid attorney. He only reinstated my appeal after being told a complaint is being filed against him. But that has now left my chance for reinstating my appeal up to if the Judge decides to take Mr. Walls' request or my own. My hope is that since this is my chance at freedom we are talking, you take my request over Mr. Walls, the representative who has been anything but helpful and has repeatedly refused to listen and do as I request him to which is represent my desires not his own.

Thank you for taking your time to read this request. I hope that you will see why I am so concerned about Mr. Walls and his claim to represent me, how this entire case has been left needing to be reviewed and appealed. But especially that the vitcim deserves better and to have her death not be in vein. Even if her parents are to blame she deserves true justice and not to be placed in harms way causing her to loose her young life. I can spend the next seven years in here as long as she gets the justice she deserves in this case. But until that day we will continue to fight for what is right. This case is anything but simple. I ask you please look into this and you will easily find all that I stated said is true. I thank you for your consideration to reinstate my appeal.

My step mother and I look forward to hearing back regarding my request. You may contact her anytime if you need more information from us. Her information again is:

Audra Morgan 858-519-2982

PO BOX 2785

Fallbrook, CA 92088

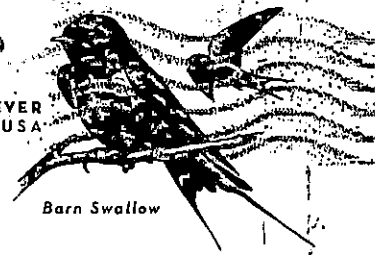
Thank you kindly,
Dillan Jesse Hapner

x Dillan Jesse Hapner

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South Carolina Appellate Court
Attn: Clerk of Court

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Jenny Abbott Kitchings

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