

DAN DOW
DISTRICT ATTORNEY
STATE BAR # 237986
COUNTY OF SAN LUIS OBISPO
COURTHOUSE ANNEX, 4TH FLOOR
SAN LUIS OBISPO, CA 93408
TELEPHONE: (805) 781-5800

☐ DV Case
☐ BOOKING REQ

IN CUSTODY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

MALACHY DAMIEN HAYES
DOB: 11/16/2007
ID NO. D000474004
CII: A42454547

Defendant.

COURT CASE NO. 26F-01891

COMPLAINT

DA CASE NO. 079-724141

Appearance Date:

The District Attorney of San Luis Obispo County, California, hereby accuses the
above named defendant of the following criminal offenses:

Count 1

On or about March 20, 2026, in the County of San Luis Obispo, State of California, the
crime of Elder Or Dependent Adult Abuse in violation of PC368(b)(1), a Felony, was
committed in that did, under circumstances and conditions likely to produce great bodily
harm and death, knowingly and willfully cause and permit D.M., an elder and dependent
adult to suffer, and inflicted thereon, unjustifiable physical pain and mental suffering , and

1 knew and reasonably should have known that said person, D.M., was an elder and
2 dependent adult.

3 Enhancement

4 PC12022.7(a): Spec Alleg-Great Bodily Injury

5 It is further alleged as to Count 1 that in the commission of the above offense the said
6 defendant, MALACHY DAMIEN HAYES, personally inflicted great bodily injury upon D.M.,
7 not an accomplice to the above offense, within the meaning of Penal Code Section
8 12022.7(a) and also causing the above offense to become a serious felony within the
9 meaning of Penal Code Section 1192.7(c)(8).NOTICE: This offense is a serious felony and
10 a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)

11 Count 2

12 On or about March 20, 2026, in the County of San Luis Obispo, State of California, the
13 crime of Assault By Means Likely To Produce Great Bodily Injury in violation of
14 PC245(a)(4), a Felony, was committed in that MALACHY DAMIEN HAYES did willfully and
15 unlawfully commit an assault on D.M. by means of force likely to produce great bodily
16 injury.

17 Enhancement

18 PC12022.7(a): Spec Alleg-Great Bodily Injury

19 It is further alleged as to Count 2 that in the commission of the above offense the said
20 defendant, MALACHY DAMIEN HAYES, personally inflicted great bodily injury upon D.M.,
21 not an accomplice to the above offense, within the meaning of Penal Code Section
22 12022.7(a) and also causing the above offense to become a serious felony within the
23 meaning of Penal Code Section 1192.7(c)(8).NOTICE: This offense is a serious felony and
24 a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)
25 It is further alleged pursuant to Penal Code Section 1170(b)(2) that one or more of the
26 following factors in aggravation listed in California Rule of Court 4.421 may apply to the
27 defendant(s) or to conduct of the defendant(s):

1 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily
2 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

3 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
4 commission of the crime.

5 4.421(a)(3) The victim was particularly vulnerable.

6 4.421(a)(4) The defendant induced others to participate in the commission of the crime
7 and occupied a position of leadership and dominance of other participants in its
8 commission.

9 4.421(a)(5) The defendant induced a minor to commit or assist in the commission of the
10 crime.

11 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
12 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
13 the judicial process.

14 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
15 can be imposed but for which concurrent sentences shall be imposed.

16 4.421(a)(8) The manner in which the crime was carried out indicates planning,
17 sophistication, or professionalism.

18 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
19 value.

20 4.421(a)(10) The crime involved a large quantity of contraband.

21 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
22 the offense.

23 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
24 and no hate crime enhancements under section 422.75 of the Penal Code shall be
25 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
26 Code.

1 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
2 to society.

3 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
4 juvenile delinquency proceedings are numerous and of increasing seriousness.

5 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
6 1170(h).

7 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
8 community supervision, and parole when the crime was committed.

9 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
10 release community supervision, and parole was unsatisfactory.

1 All of which is contrary to the statute in such cases made and provided, and against
2 the peace and dignity of the People of the State of California.

3 I declare that an investigation has been conducted to determine if said Defendant(s)
4 did commit the stated crime, which reports are attached hereto and incorporated herein by
5 reference, and that the facts therein show probable cause that the said Defendant(s) did
6 commit the crime. Your declarant requests the issuance of a Warrant of Arrest either if
7 said Defendant(s) do not appear voluntarily in response to an appearance letter, or if no
8 appearance letter was issued.

9 **Discovery Request:** Pursuant to Penal Code Section 1054.5(b), the People are
10 hereby informally requesting that defense counsel provide discovery to the people as
11 required by Penal Code Section 1054.3.

12 On this day March 24, 2026, in the County of San Luis Obispo, I certify and declare
13 under penalty of perjury that the foregoing is true and correct.

14 Dated: March 24, 2026

15 DAN DOW
16 DISTRICT ATTORNEY

17 

18 By: _____
19 BEN G BLUMENTHAL
20 DEPUTY DISTRICT ATTORNEY

21 Upon review of the reports attached and incorporated herein by reference, I find sufficient
22 probable cause to warrant the defendant(s) continued detention.

23 Dated: _____
24 Judge of the Superior Court

SUMMARY PAGE

Count	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC368(b)(1) PC12022.7(a)		Malachy Damien Hayes		
2	PC245(a)(4) PC12022.7(a)		Malachy Damien Hayes		