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S.C. SUPREME COURT

March 27, 2023

Regarding: Appellate Case # 2022001308

Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

To Whom it Many Concerns:

My name is Donald Partaka, and I am writing concerning my appeal and rebuttal to the transcription that was introduced for this appeal.

Primarily, the statement Mr. Ryan Beasley made in court concerning that he never said anything to me or to my sister (Diana Partaka) about if I was to plead to voluntary manslaughter. He first spoke to my sister concerning this and told her that if I were to plead to voluntary manslaughter that I would only get 10-15 years and reiterated the same to me. My sister thought that would be the best option, but she was never told that there would be an additional charge of 5 years for gun use and that there was no chance of parole. As well I was not explained that there would be additional charges if I did plead to a lesser so-called plea. Reference to the transcript (Page 122) lines 11 and 12 then jump to line 23 -25. So, in my mind I would only receive 10-15 years and nothing more. Again, Mr. Beasley never spoke to me about the additional 5 years or no parole. If I had known, I would have never pleaded to this and would have gone to trial. Yes, during court, I was a yes man but at this time I was very confused and thought that I was suppose answer Yes to all the questions. My mind was not straight, and I was very confused and very nervous. In fact, my sister Diana was terribly upset and was wondering what the world Mr. Beasley was doing as the gun situation and no chance for parole was first introduced to her and myself. As far

as me, I just said yes as I thought that was what I was supposed to do to get my 10-15 years. This in itself should be proof that my counsel did not fully explain the sentence that I could have received in full to either myself or my sister. My sister, during the hearing, turned to Ms. Odem, Mr. Beasleys assistant, and gave her a look of what is going on and Ms. Odem just shrugged her shoulders. My sister did not know that she could have asked the court at that time to speak with my counsel. She knew I was not understanding all that was being presented before me. She would have stopped this situation and asked for a jury hearing as she felt I would have a better chance.

Going to trial would have brought more things to light, for example why did Ashley go outside? Did Jamie come to get her, and she refused to go? Or why she was wearing my shorts and shirt, no it was not a lover's triangle as stated in the transcript page 15 lines 16-18. It was because her boyfriend poured a bottle of liquor over her head. Or that Joe Bell picked her up and took her to liquor store to get another bottle of Crown Royal and that Joe called Donald to ask if Ashley could stay at his house for a while until Jamie came to pick her up after work which would have been right around the time that this terrible situation happened. Joe Bell's Statement (Exhibit E) to prove Jamie was to pick up Ashley, also why she changed because of her being wet from having liquor poured on her. A timecard for Jamie to show what time he left work to come pick her up. Was that why she was outside and came back in? I woke up on the couch in a stupor and saw a shadow in my doorway. That Ashley came through the door and was shot in the leg by me to stop this person that I thought was an intruder. After she got shot, she fell over my tools and bookbag, but she was not on the couch at the time. Pictures of investigation page 19 that I labeled as (Exhibit A). Or

the fact that my sister nor I had any idea that Ashley's father (Mr. Hood), was retired from the Spartanburg Sheriff Department. Where he personally knew all the Detectives, Judges, and law enforcement within Spartanburg County. My council knew as well. Mr. Hood worked within the court rooms, in fact worked with the Judge that was trying my case. An extraordinarily strong point that one would think was important. The council should have informed me or my sister. This to me was neglectful on his part in not informing myself or my sister. One would think that, especially my attorney, that prejudice would exist. Had we known this, we would have asked for this case to be tried in a different county (not Greenville, not Spartanburg), as well as council should have requested. Tried where no Judges or Law Enforcement knew Ashley's father (Mr. Hood).

Also, that a health problem existed, concerning dementia and a frontal lobe health problem. If you read the medical definition about frontal lobe disease, it would say that a person with frontal lobe problems cannot reason or make since especially when they get angry or frightened becomes hysterical and cannot be reasoned with, they are going to protect themselves. I do feel that not enough reference was put on this fact about this type of disease as this was a caused and created a blurred in my mind as well, state of being highly intoxicated when I awoke finding someone in my home as well in my interview with the detectives.

Another point was I was slurring during my interview with the detectives, one could hear it in the recording of their integration with me, and they are not medical doctors to assume I was sober enough to answer questions. and how could these detectives feel

I was fine to be interrogated without giving me a blood test to check my levels. My rights as an individual were violated, as I was in no condition to answer any of their questions or even answer any question without an attorney present or an evaluation of my mental state. Yes, I did say I was fine, but I was still very drunk and angry about this whole situation I was not in my right mind. Refer to report in transcript page 49-54, as well as (Exhibit F) I have attached. This report also stated that I should have additional neuropsychological testing and will request the prison to arrange this test. This was never done as my sister Diana requested a response regarding why, but no answer was given to her. I was at the mercy of the prison system but to no avail was I ever given any test since I was incarnated.

And that there was no sexual assault going on as she was very drunk and did fall asleep on the end of the couch and me on the other and we both still had our clothes on, as it can be seen in the picture, she was fully dressed. Also, she had to be up from the couch and as I previously stated she had to come in the door from outside for her to be in the position where she lay. Also, if I shot her on the couch there is no way she would have been in the position that she was in. They also did DNA tests, and they were not conclusive. Like the hair she had clutched in her hand was nonconclusive. Was that her hair or was it her boyfriend's from when she went outside?

My point to all this is that if I had been told the truth about pleading to voluntary manslaughter, I would have been better off with a trial hearing, as my sentence may not have been so long with all the evidence that would have been introduced. Yes, this is all hindsight now, but I would have had a better opportunity to show that I did not even know that this person was Ashley. In fact, if you refer to my integration by the detective, he stated that I never deviated from my statement that it was an intruder until he told me after a prolonged period during my integration that it was Ashley. Refer to the notes known as Exhibit D referring to such.

In conclusion, since I have been incarnated, I have had no disciplinary problems. I have gone down to level 2F5 which should tell this court that I am not a troublemaker and that I am a model prisoner. I stay to myself and cause no problems. Like I did before I was arrested.

I am asking this court to understand all those violations of my rights by my attorney and the prejudice that existed from the father being a retired Spartanburg County Sherriff as well as a bailiff for the court system in Spartanburg. I pray that this court reexams the facts I have set forth and either reduce my sentence like I was promised or gives the right for me to have a new hearing outside of Spartanburg County.

Sincerely Submitted,

Donald A Partaka

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