



Court of Appeals of Georgia

TO: Mr. Willie McGriff, GDC1126884, Wilcox State Prison, 470 South Broad Street,
Abbeville, Georgia 31001

RE: **Motion for Out - of - Time Appeal**

MOTION FOR OUT-OF-TIME APPEAL - RETURN OF MOTION

- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.**

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COURT OF APPEALS OF GA

Willie Earl McGriff

VS

09-CR-140

State of Georgia

Motion for Out of time
Appeal

Comes now Willie Earl McGriff Pursuant to warrant, Indictment and Guilty plea and moves this Court as follows:

Indictment count 1) malice murder, count 2) Felony Murder, count 3) Attempt to Commit a Felony (Armed Robbery) count 4) Felony murder (criminal attempt to commit armed robbery) count 5) Aggravated Assault. That herein entered a plea of guilty to a lesser included offense of Voluntary manslaughter of count 1) malice murder. The State No! Passed counts 2,3,4 and 5. Sentenced to (20) twenty years to serve.

That the District Attorney, GBI, and Sheriff Investigator's promised the defendant letters to the parole board for an early release upon his cooperation in other investigations and defendant pleading guilty. That defendant was so gripped by fear of Life sentence plus additional years, and hopes of clemency that defendant did not or could not, with the help of counsel, rationally weigh the advantages of continuing trial against the advantages of pleading guilty. That Guilty plea was invalid and

violated the Fifth Amendment by influencing or encouraging a guilty plea by opportunity or promise of leniency and guilty plea is coerced. (Brady v. U.S. 397 U.S. 751 90 Sct 1463, 1471, 25 LEd. 2d 747) (1970)

That defendant wore a wire in conversation with co-defendant Marquez D. Taylor minutes after pleading guilty. During the conversation Taylor admitted to perjury against defendant and also confessed to the charge in which defendant had just pled guilty too. That facts which come to light after entry of the plea may be used to show that plea was invalid when entered. (Poole v. United States).

That counsel was ineffective when counsel failed to appeal conviction when told to do so by defendant. That after recorded conversation between co-defendant Marquez D. Taylor and defendant in which Taylor confessed to the crime defendant had pled guilty too, defendant ask counsel to withdraw his guilty plea based on the newly found evidence. The right to appeal is violated when appointed lawyer deliberately forgoes the direct appeal without first obtaining his client's consent. Such actions constitutes ineffectiveness.

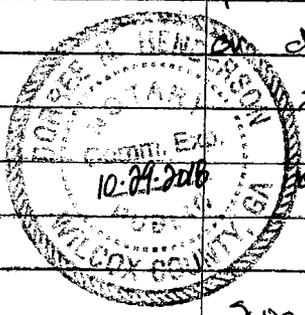
That counsel was ineffective when he failed to get Applicant a competency examination due to first hand expressed emotional stresses displayed toward him and according to statements given from jail house officials defendant was on (24) twenty four hour watch in county jail for mental health reasons. Upon arrival in prison defendant was on mental health case load suffering from depression and anxiety disorders.

That Counsel was ineffective when it interfered with evidence process when counsel did not assist applicant with understanding the evidence process as in having it explained to him. That Counsel allowed "Text messages" to be entered as evidence against defendant (A) four days before trial, without giving defendant (A) ten reasonable days to prepare a defense.

That Counsel was ineffective when he failed to examine the forensic result report; failed to investigate the findings of the Police Investigation as to what actual findings was from handprints, DNA in mask found footprints, etc.

Guilty Plea appears to be invalid as to the voluntariness and Intelligent character of Guilty plea. Counsel's performance was so deficient that it fell below an objective standard of reasonable Counsel was ineffective and defendant suffered "Prejudice" That there is reasonable probability that but for Counsel's unprofessional errors the result of the proceedings would of been different. Guilty plea is invalid and defendant's plea should be withdrawn and should stand new trial

or dismiss case.



Gregory A. Smith
Notary

on this 10 day of September 2015.

Respectfully Submitted

Willie McHaff
Willie McHaff

Sworn and subscribed before me this 10th Day of September 2015

Willie McHaff The above name requested appeared before me and is who he claims to be.

CERTIFICATE OF SERVICE

This is to certify that I have served the opposing party with a complete and accurate copy of the foregoing documents. Service was made by placing the same in an envelope, and with sufficient postage affixed, placed in the U.S. Mail, and on this day mailed to the party(s) as follows:

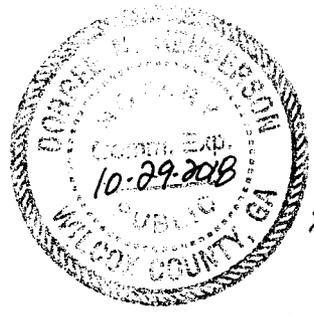
Georgia Court of Appeals
47 Trinity Ave. Southwest ste. 501
Atlanta GA
30334

This the 10th day of September, 2015

Willie McGuff

PRO SE

Willie McGuff GDC# 1126889
Wilcox State Prison
470 South Broad St.
Abbeville GA 31201



[Signature]
notary

on this 10 day of September 2015.