

An Evidentiary Hearing was held on August 31, 2009. Therein, the State stipulated that if evidence was presented at a full hearing the trial court would find in favor of Petitioner on all four questions. Considering this stipulation as well as the evidence introduced in the supplemented record, the trial court made four findings of fact:

1. That withdrawal counsel Greer was ineffective for failing to visit with Petitioner Vaughn about her claims, including about the ineffectiveness of trial counsel, Clark, prior to the Motion to Withdraw Hearing.
2. That withdrawal counsel Greer was ineffective for failing to investigate Petitioner Vaughn's claims of confusion and mental illness.
3. That withdrawal counsel Greer was ineffective for failing to adequately question Vaughn at the Motion to Withdraw Hearing on her illness or the effects of her medications.
4. The withdrawal counsel Greer was ineffective for failing to introduce evidence of the effects of Petitioner Vaughn's poor mental health and fluctuating medications on her ability to enter a knowing and intelligent plea.

Based upon the aforesaid findings, the trial court concluded that Petitioner Vaughn was denied the effective assistance of counsel to which she was entitled at the plea withdrawal hearing, and further that she should be allowed to withdraw her plea of guilty.

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- 1) Vaughn's claim that withdrawal counsel Greer was ineffective for failing to visit with Vaughn about her claims, including those about the ineffectiveness of trial counsel Clark, prior the Motion to Withdraw Hearing;
 - (2) Vaughn's claim that withdrawal counsel Greer was ineffective for failing to investigate Vaughn's claims of confusion and mental illness;
 - (3) Vaughn's claim that withdrawal counsel Greer was ineffective for failing to adequately question Vaughn at the Motion to Withdraw Hearing on her illness or the effects of her medications; and

This Court has held that a hearing on a motion to withdraw a guilty plea is a critical stage of a criminal prosecution. Petitioner was entitled to effective assistance of counsel at that hearing.² Based upon this Court's review of the supplemented record and the recommendations of the court below, the Petition for Writ of Certiorari is granted and the case is remanded to the District Court of Tulsa County for a hearing to allow Vaughn to withdraw her plea and for further proceedings.

DECISION

The Petition for Writ of Certiorari is **GRANTED** and the case is **REMANDED** to the District Court of Tulsa County to allow Vaughn to withdraw her plea and for further proceedings. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2009), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

(4) Vaughn's claim that withdrawal counsel Greer was ineffective for failing to introduce evidence of the effects of Vaughn's poor mental health and fluctuating medications on her ability to enter a knowing and intelligent plea.

² *Randall v. State*, 1993 OK CR 47, ¶ 10, 861 P.2d 314, 316.

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OPINION BY: CHAPEL, J.

C. JOHNSON, P.J.: CONCUR
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