# Court of Appeals
# of the State of Georgia

ATLANTA, June 29, 2012

*The Court of Appeals hereby passes the following order:*

**A12D0429. THOMAS MARSHALL v. THE STATE.**

Thomas Marshall seeks to appeal the trial court's order denying his motions for out of time appeal and to withdraw his guilty plea. An order denying a motion to withdraw a guilty plea and an order denying a motion for an out of time appeal are both directly appealable orders. See, e.g., *McKiernan v. State*, 286 Ga. 756 (692 SE2d 340) (2010); *Lunsford v. State*, 237 Ga. App. 696 (515 SE2d 198) (1999).

When a party applies for discretionary review of a directly appealable order, we grant the application under OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. Marshall shall have 10 days from the date of this order to file a notice of appeal with the trial court. The trial court is instructed to include a copy of this order in the appellate record.

*Court of Appeals of the State of Georgia*
*Clerk's Office, Atlanta,* 06/29/2012
*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*
*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Kelly K. O. Lamar, *Clerk.*