

I, Timothy Guilfooy, was convicted of child sexual abuse in October of 2011 in Judge Watkins court in Davidson County. I am 100% innocent. There was no physical evidence whatsoever, no corroboration whatsoever, and the witnesses against me had clear financial motives to lie. I also had alibis for the dates that the accusers claimed I abused them on. I wasn't even in the state of Tennessee.

This letter, however, is not simply an attempt to raise your attention to an innocent man in prison. My story is much more interesting and shocking than a simple innocence claim. It involves a conviction that was obtained through the secret presentation of fake evidence during deliberation... fake evidence that we have not seen to this day. For five years after his conviction, the court and the State continued to claim that this never happened, and refused to allow us to call a juror to the stand and ask them if it did. My state appeals failed because my appellate attorney failed to raise this issue to the appellate courts.

After my appellate brief was filed, my appellate attorney, James Martin, left his case for "another job". Come to find out, he left my case because he took a job with the Davidson County District Attorney's office; the very people that I was fighting on my appeal.

After I lost my 2<sup>nd</sup> appeal (state post-conviction), we hired a Memphis attorney to take my case. Through this new attorney, we were able to obtain an affidavit from the jury foreperson stating that the jury, in fact, viewed this fake evidence and furthermore it was the court that showed it to them during deliberation. We filed a motion for new evidence. The court and State prosecutors finally admitted that this happened. However, they said that we uncovered this 'too late', and that I should spend the rest of my life in prison notwithstanding the fact that my conviction was tainted by fake evidence that was shown to the jury in a completely secret way.

The TN appellate court agreed with the State. In a July 2018 ruling, they denied me a new trial. The reason.... 'too late'. Specifically, the appellate court noted that my previous attorney (James Martin) could have but did not raise this issue in his appellate brief that he turned in January 2015.

This is where it gets very interesting. We found out that Mr. Martin received the offer of employment from the D.A.'s office MONTHS before he filed my appellate brief in 2015 ... the one that did not include this issue. Mr. Martin DID NOT inform me that my opponent in my case had offered him a job. I did not even learn that Mr. Martin was leaving my case until AFTER he filed my brief. This was in direct violation of multiple attorney ethics rules regarding conflict of interest.

This past October I filed a complaint with the TN Board of Professional Responsibility on Mr. Martin. In December 2018 the Board presented Mr. Martin with my complaint. Mr. Martin responded by admitting that he received an offer of employment from the D.A.'s office in the fall of 2014, months before he filed my brief. Furthermore, he admitted that it was the then-newly elected Davidson County District Attorney himself -Glenn Funk- that personally made this offer of employment to him. Expectantly, Mr. Martin claimed that this offer of employment had nothing to do with my case, but he couldn't explain why he did not raise this issue on the appeal or why he did not inform me of this offer as

the ethic rules clearly require. I then filed a reply to the Board, asking them to discipline Mr. Martin, initiate an investigation into D.A. Funk, and also to refer the complaint to the T.B.I. for possible criminal charges.

My case started to gain attention in the legal community. In 2016 Chicago-based attorney Kathleen Zellner reviewed my case. Ms Zellner is recognized around the country as the most ferocious appellate lawyer practicing law. She only accepts those TRULY innocent of their convictions, and she has helped secure the release of 17 wrongly-convicted people. You may recognize her from Netflix's "Making a Murderer". She easily understood what happened in my case and offered to represent me. This

will be Ms. Zellner's first Tennessee case.

I am innocent. Anyone that has known me for five minutes would agree. I once had faith that the Nashville court system would give me a fair trial. I -at the very least- expected to be able to view the evidence against me in order to defend myself. However, I was convicted of crimes that I didn't commit because of fake evidence that I has never seen to this very day. This is the kind of 'trial' that one could expect in a country like Iran or North Korea, not the U.S.A. However, the Davidson County D.A. Office does not seem to think it's a big deal. They apparently think that they know who's guilty, and if they can't convict with admissible evidence, then they should be able to make up evidence and simply show it to the jury in the closed deliberation room. They apparently also think that it's acceptable to bribe an appellate attorney with a job to get him to throw a case.

We knew that we needed to develop evidence before we went public with our corruption claims. We now have that evidence, along with the best attorney that we could possibly have. Furthermore, with these facts presented to the TN Board of Professional Responsibility, the State is now in an awkward place having to investigate Mr. Martin and Mr. Funk for serious ethical violations. We have heard many stories of 'horse trading' within the Davidson Co. D.A. Office, but my case is most likely one of the first to actually have evidence to prove that a man's life was traded for a lawyer's career advancement. Even if the BPR continues Tennessee's "nothing to see here" attitude with my case, Ms. Zellner will destroy them in the Federal Court by exposing their dirty little secrets to Federal Judge Richardson in his pending Habeas petition.

I am hoping that I have at least peaked your interest. We have a website and facebook page about my case, and I welcome you to visit them. My sister Katie has all the documents, motions, transcripts, etc. from my case that she would be happy to share with you. But, I highly suggest that you first read my complaint to the Board of Professional Responsibility. It will quickly bring you up to speed on his situation. I have asked Katie to attach the complaint, Mr. Martin's response, and my reply to that response

to this email. You need to read all three to get the full picture. I have also set up a private web page that includes the complaint along with links to all of the supporting evidence that are referred to in my complaint.

I am not just writing you to ask you to write a story on my case (which I need) but I am mainly writing you for your “investigative” abilities. We figure that by alerting an honest journalist, this story will have a decent chance of being well informed and accurate. We hope that someone presents truth to power by digging deeper into the D.A.'s office. What surprised us most of all with what happened to me was that the D.A. Office -along with the TN courts- seemed not to even flinch at the fact that my jury was secretly presented with additional evidence after the case was over. It almost seems like regular business to them. How many other Nashville convictions were secured through the secret presentation of evidence during deliberation? The only way we found out about it in my trial was because we spent tens of thousands of dollars to hire private investigators to track down the jurors and beg them to talk to us. Most defendants can't even afford to hire a trial attorney much less post-trial investigators.

We are not attempting to control or shape this story in any way. Quite the opposite, in fact. All we hope for is to provide you facts, let you vet those facts, and we are sure that your journalistic DNA will take over with obvious and important questions that those in power need to answer.

D.A. Funk won his election with promises to clean up the corruption in the Nashville court system. However, we now have evidence that within weeks of winning he bribed a defense attorney to sabotage my appeal with a secret lucrative job offer. Sometimes only a single thread needs to be pulled to

unravel the most complex corruption, and this is that thread.... ready for you to pluck.

