



**SCANNED**

---

**Court of Appeals of Georgia**

June 4, 2015

TO: Mr. Leonard Atkins, GDC959928, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 38966

RE: **A15A1104. Leonard Atkins v. The State**

**CHECK RETURN**

- Your check number \_\_\_\_\_ in the amount of \_\_\_\_\_ written on the account of your firm for the filing fee in \_\_\_\_\_ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by \_\_\_\_\_.

**CASE STATUS - DISPOSED**

- The referenced appeal was dismissed on May 5, 2015. The remittitur issued on May 20, 2015,, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

**The Motion for Reconsideration is being returned to you.**

**CASE STATUS - PENDING**

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

**APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION**

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

In the Court of Appeals  
State of Georgia

Leonard Atkins  
Appellant

Case No.  
A1591104

vs.

State of Georgia  
Appellee

FILED IN OFFICE

JUN -2 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE  
JUN -2 11 21 15  
CLERK COURT OF APPEALS OF GA

motion for Reconsideration

Comes now Appellant, Leonard  
Atkins, pro se, and moves this  
Court of Appeals pursuant to  
Court of Appeals Rule 37 to  
Reconsideration of its Judgment  
in Decision 9 of the Court  
May 5, 2015 opinion in the  
above case, on the ground  
that the Courts over looked  
the content and substance.  
The Court failed to take into  
consideration. Void Sentence  
on ground Verdict was not  
Establish in above case

at Support of his motion for  
Reconsideration Appellate  
Show the following Argument  
Department and Citation to  
Authorities

The Georgia Constitution  
Requires that Venue in all  
Criminal Cases be laid in the  
County in which the Crime  
was Allegedly Committed.  
Ga. Const. Art. VI, Sec 11, Para. VI  
Like every other material  
allegation in the indictment,  
Venue must be proven by the  
prosecution beyond a Reasonable  
Doubt *JONES V. State*, 272 Ga.  
900, 901-903 (2) (2000)  
A Sentence is void if the Court  
Imposes punishment that the  
Law does not allow, and may

Be raised at any time  
Kaiser v. State 285 GA. App. 63  
(2007); Phillip v. State 313 GA.  
App. 302 (2011)

The law is abundantly clear  
that Venue is a jurisdictional  
element of every crime and  
the state has the burden of  
proving venue beyond a reasonable  
doubt. Stockard v. State, 2014  
GA Lexis 25 (3-26-14)

## Conclusion

Because the Court of Appeals  
did not address the merits  
of Enumeration Void Sentence  
the court should reconsider its  
judgment and reverse to  
the lower court.

Respectfully  
Submitted

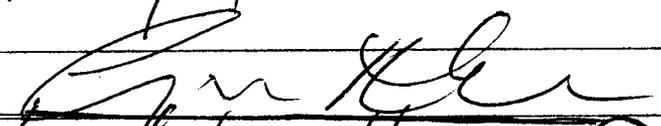
Leonard Atkins # 95992  
Cuthun State Prison  
P.O. Box, 249  
Morgan GA. 309866

# Certificate of Service

I do hereby certify I have  
on the date below shown  
placed the attached motion  
for reconsideration in a  
properly stamped and properly  
addressed envelope and  
deposited same in the prison's  
postal box for delivery upon  
Mr Robert M. Coker S. A. D. A.  
DeKalb County Courthouse, 556  
N. McDonough Street  
Decatur, GA. 30035

This 21 day of

May, 2015

  
Leonard Atkins 959924  
Graham State Prison  
P.O. Box 249  
Morgan GA. 30766