



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 2015
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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 Court overlooked
the content and substance.
The Court failed to take into
consideration. Void sentence
on ground venue was not
established in above case

at Support of his motion for
Reconsideration Appellate
Show the following Argument
Argument 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
Laird 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.

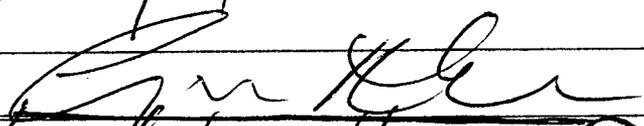
Respectfully
Submitted

Leonard Atkins # 95992
Cuthbert State Prison
P.O. Box, 249
Morgan GA. 30986

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 959926
Cathlam State Prison
P.O. Box 249
Morgan CA. 38766