

October 10, 2005

State v. Mayze

S05A1225, Decided October 3, 2005

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In Mayze, the Supreme Court, citing Art. VI, Sec. 2, Par. VI of the Georgia Constitution, held that the portion of the identity fraud venue statute, OCGA § 16-9-125, which places venue "... in any county where the **person** whose means of identification or financial information was appropriated **resides or is found, ...**" to be **unconstitutional**. (Emphasis added). The Court further held that the portion of the venue statute that places venue "... in any county in which any other part of the offense took place" is proper.

Art. VI, Sec. 2, Par. VI of the Georgia Constitution provides: "[A]ll criminal cases shall be tried in the county **where the crime was committed**, except cases in the superior courts where the judge is satisfied that an impartial jury cannot be obtained in such county." (Emphasis added). OCGA § 16-9-125 begins the venue portion of the statute by stating: "Accordingly, in a proceeding under this article, the **crime will be considered to have been committed** in any county...." (Emphasis added).

Be advised: Based on the fact that the legislature defined "where the crime was committed" in the statute, the Office of the Attorney General is moving for reconsideration.