IN THE **SUPERIOR** COURT OF **LEE** COUNTY

STATE OF GEORGIA

STATE OF GEORGIA	CASE NO:.**24-CR-96JB**
	CHARGE(S): **MURDER, AGGRAVATED ASSAULT**
v.	
CARLISTRA TENNILLE DEFENDANT	

PETITION FOR RESENTENCING PURSUANT TO OCGA 17-10-1(2)(A)/ MOTION TO RESENTENCE

COMES NOW, Defendant/Petitioner by and through her undersigned attorney and petitions/moves this Court to resentence/sentence her based upon the following:

1.

Defendant was sentenced in this case on March 14, 2025 to serve 25 yrs. (See Attached).

2.

The Court resentenced Defendant to serve a life sentence based upon the Court's determination that it lacked the authority to sentence a person convicted of Murder to less than life or life without the possibility of parole.

3.

On July 1, 2025, OCGA 17-10-22, which states in pertinent part in subsection (c)(1) : "A person convicted of a crime punishable by death or life imprisonment shall be punished by imprisonment for not less than **ten years no more than 30 years**" was enacted into law.

4.

This authority, to sentence a person convicted of murder to as little as 10 years, was made retroactive with the enactment of OCGA 17-10-1(f)(1), on July 1, 2025, which states in pertinent part:

"**Within one year of the date upon which the sentence was imposed …** the court imposing the sentence has the jurisdiction, power, and authority to correct or reduce the sentence and to suspend or probate all or any part of the sentence imposed."

5.

The Code section specifically allows for resentencing in cases involving domestic abuse pursuant to 17-10-1(2)(A), which states in pertinent part: "**A person who is serving a sentence may submit a petition to the court requesting to be sentenced under OCGA 17-10-22**."

6.

OCGA 17-10-22, now allows an exception to the rules of evidence for hearsay as well as allows any evidence of prior domestic abuse pursuant to 17-10-22(a)[1] to include but not be limited to the following: Evidence that the defendant sought law enforcement assistance, Evidence of prior statements regarding acts of family violence, etc.

7.

At sentencing, Defendant's statement, abuse pictures and police report regarding prior abuse suffered by her, at the hands of the purported victim, McCray was not considered. (See Attached).

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[1]

(3**)** Evidence indicating the defendant sought law enforcement assistance;

(4) Evidence indicating the defendant sought services from a counselor, social worker, domestic violence program, or other relevant agency or service provider;

(5) Evidence indicating the defendant sought medical attention;

(6) Evidence of prior statements regarding the acts of family violence, dating violence, or child abuse, as such acts are described in *Code Sections 19-13-1*, *19-13A-1*, and *19-15-1*, respectively;

(7) Evidence of the effects of battering and post-traumatic stress disorder on the defendant;

(8) Evidence pertaining to the alleged perpetrator's history of other acts of family violence, dating violence or child abuse, as such acts are described in *Code Sections 19-13-1*, *19-13A-1*, and *19-15-1*, respectively, including, but not limited to, temporary protective order petitions, ex parte orders, and final orders in which the alleged perpetrator is the respondent;

(9) Expert testimony, including facts and circumstances relating to the family violence, dating violence, or child abuse, as such acts are described in *Code Sections 19-13-1*, *19-13A-1*, and *19-15-1*, respectively, that are the bases of such expert's opinion; and

(10) Any other evidence that the court determines is of sufficient credibility or probative value.

Clearly, after the enactment of these statutes, this Court has the ability to administer the justice it deemed appropriate on March 14, 2025, when it sentenced Defendant to the very minimum that the law allowed, 25 years, or after considering the abuse evidence now allowed by 17-10-22(a), impose a lesser sentence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the within and foregoing **motion/petition** upon the **DISTRICT ATTORNEY or one of his duly authorized representatives** by placing a copy of the same in the United States Mail with sufficient postage affixed to insure delivery or by hand-delivery.

Benjamin A. Davis

BENJAMIN A. DAVIS