

[Cite as *In re Kennedy*, 2003-Ohio-2249.]

**IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION**

IN RE: RONALD N. KENNEDY	:	Case No. V2002-51753
RONALD N. KENNEDY	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} This appeal came to be heard before this panel of three commissioners on January 23, 2003 at 11:15 A.M. upon the applicant's October 28, 2002 appeal from the October 15, 2002 Final Decision of the Attorney General.

{¶2} The Attorney General denied the claim for an award of reparations contending the applicant failed to prove he qualified as a victim of criminally injurious conduct. The applicant, a police officer, was injured while chasing a suspect in an attempt to execute a warrant. The applicant appealed the Attorney General's Final Decision.

{¶3} Neither the applicant nor anyone on his behalf attended the hearing. An Assistant Attorney General appeared at the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General stated, as indicated in the November 21, 2002 Attorney General's Brief, that after further review of the claim she now finds the applicant qualifies as a victim of criminally injurious conduct. The Assistant Attorney General requested the Attorney General's Final Decision be reversed and the claim be remanded for economic loss calculations.

{¶4} From review of the file and with full consideration given to all the information presented at the hearing, this panel makes the following determination. We find the applicant does qualify as a victim of criminally injurious conduct and hence the October 15, 2002 decision of the Attorney General shall be reversed and this claim shall be remanded to the Attorney General for economic loss calculations and decision.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The October 15, 2002 decision of the Attorney General is REVERSED to render judgment in favor of the applicant;

{¶7} 2) This claim is remanded to the Attorney General for economic loss calculations and decision;

{¶8} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application pursuant to R.C. 2743.68;

{¶9} 4) Costs are assumed by the court of claims victims of crime fund.

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

JAMES H. HEWITT III
Commissioner

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