

[Cite as *In re Bericic*, 2003-Ohio-2497.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: SILVESTER BERICIC : Case No. V2002-51893

SILVESTER BERICIC : ORDER OF A THREE-
COMMISSIONER PANEL

Applicant

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{¶1} This appeal came to be heard before this panel of three commissioners on February 20, 2003 at 10:35 A.M. upon the applicant's November 29, 2002 appeal from the October 30, 2002 Final Decision of the Attorney General.

{¶2} The Attorney General denied the applicant an award of reparations pursuant to R.C. 2743.60(E) based upon evidence that the applicant was convicted of a felony within ten years of the criminally injurious conduct. Information in the file reveals the applicant was convicted of attempted possession of marijuana, a fourth degree felony, on April 7, 1998. On reconsideration, the Attorney General determined that no modification of the previous decision was warranted in light of the applicant's April 7, 1998 felony conviction. The applicant appealed the Attorney General's Final Decision contending that the state has violated his right to bear arms.

{¶3} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented testimony, an exhibit and oral argument for this panel's consideration. Silvester Bericic briefly testified concerning the details of the criminally injurious conduct. The applicant explained that he was severely assaulted on June 13, 2002 and that as a result of the criminally injurious conduct he has incurred significant economic loss. During the presentation of his case the applicant read from a prepared written statement, which was later introduced into evidence. However, the Assistant Attorney General maintained that under R.C. 2743.60(E) the applicant's claim must be denied in light of his felony conviction.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel finds the October 30, 2002 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

- {¶6} 1) The October 30, 2002 decision of the Attorney General is AFFIRMED;
- {¶7} 2) This claim is denied and judgment is entered for the state of Ohio;
- {¶8} 3) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

ROBERT B. BELZ
Commissioner

ID #V2002-51893.doc\1-dld-tad-031003
Filed 4-17-2003
Jr. Vol. 2249, Pgs. 173-174
To S.C. reporter 5-14-2003