

[Cite as *In re Watts*, 2003-Ohio-3853.]

IN THE COURT OF CLAIMS OF OHIO  
VICTIMS OF CRIME DIVISION

IN RE: WILLIAM WATTS, JR. :  
SHARON WATTS-CRAWFORD : Case No. V2002-50803  
WILLIAM WATTS, SR. : Case No. V2002-50811  
Applicants : DECISION  
(V87-72823) : Judge J. Warren Bettis

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{¶1} This matter came on to be considered upon applicant's, William Watts, Sr., appeal from the February 14, 2003, order issued by the panel of commissioners. The panel's determination affirmed the final decision of the Attorney General, which denied applicant's claim for an award of reparations based upon the finding that the statutory maximum of \$25,000 had already been paid with respect to the March 14, 1987, criminally injurious conduct.

{¶2} R.C. 2743.52(A) places the burden of proof on an applicant to satisfy the Court of Claims Commissioners that the requirements for an award have been met by a preponderance of the evidence. *In re Rios* (1983), 8 Ohio Misc.2d 4, 8 OBR 63, 455 N.E.2d 1374. The panel found, upon review of the evidence, that applicants failed to present sufficient evidence to meet their burden.

{¶3} The standard for reviewing claims that are appealed to the court is established by R.C. 2743.61(C), which provides in

pertinent part: "If upon hearing and consideration of the record and evidence, the judge decides that the decision of the panel of commissioners is unreasonable or unlawful, the judge shall reverse and vacate the decision or modify it and enter judgment on the claim. The decision of the judge of the court of claims is final."

{¶4} In 1988, the court granted Sharon Watts-Crawford awards of reparations totaling \$25,000, the statutory maximum for criminally injurious conduct occurring between November 4, 1981, and March 14, 1988. In 2001, applicants filed reparations applications seeking additional awards of reparations based upon their assertion that a second incident of criminally injurious conduct occurred when the victim, William Watts, Jr., died as a result of the injuries he received in 1987. The offender was subsequently charged with murder.

{¶5} R.C. 2743.51(C)(1) states in part:

{¶6} "(C) 'Criminally injurious conduct' means either of the following:

{¶7} "(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state \*\*\*."

{¶8} Applicant's, William Watts, Sr., claim that he is entitled to file a second application for an award of reparations is based upon his assertion that a second crime against the victim occurred when his son died. However, the plain language of R.C. 2743.51(C) states that criminally injurious conduct is

defined by the actual conduct of the offender that caused the victim's injury. Although a single act that poses a substantial threat of personal injury or death may result in more than one criminal charge against an offender, the victim of criminally injurious conduct is nevertheless limited to a single claim for an award of reparations pursuant to the Victims of Crime Compensation Act.

{¶9} In this case, the criminally injurious conduct occurred when William Watts, Jr. was shot by the offender on March 14, 1987. Although the offender was charged with murder after the victim died in 2001, neither the victim's death nor the criminal charge give rise to an additional claim for an award of reparations.

{¶10} Upon review of the file in this matter, the court finds that the panel of commissioners was not arbitrary in finding that applicants did not show by a preponderance of the evidence that they were entitled to an additional award of reparations.

{¶11} Based on the evidence and R.C. 2743.61, it is the court's opinion that the decision of the panel of commissioners was reasonable and lawful. Therefore, this court affirms the decision of the three-commissioner panel, and hereby denies applicants' claim.

{¶12} Upon review of the evidence, the court finds the order of the panel of commissioners must be affirmed and applicant's, William Watts, Sr., appeal must be denied.

{¶13} IT IS HEREBY ORDERED THAT:

{¶14} 1) The order of February 14, 2003, (Jr. Vol. 2249, Page 29) is approved, affirmed and adopted;

{¶15} 2) This claim is DENIED and judgment entered for the State of Ohio;

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{¶16} 3) Costs assumed by the reparations fund.

J. WARREN BETTIS  
Judge

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