

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

IN RE: JAMES THOMAS, JR.	:	Case No. V2003-40135
JAMES THOMAS, JR.	:	<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 May 21, 2003 at 10:15 A.M. upon the applicant's February 21, 2003 appeal from the February 11, 2003 Final Decision of the Attorney General.

{¶2} Originally, the Attorney General denied the claim contending that the applicant was not a victim of criminally injurious conduct since he suffered no personal injury as a result of the incident. The Attorney General also noted that the applicant was not working at the time of the incident nor did the police confiscate any of the applicant's personal items for investigative purposes. On reconsideration, the Attorney General determined that the applicant qualified as a victim of criminally injurious conduct. However, the Attorney General denied the claim for evidence replacement loss as unverifiable since the value of the applicant's confiscated duffel bag could not be determined.

{¶3} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on her Brief. The

Assistant Attorney General stated that if the applicant were to produce reliable documentation concerning the value of his duffel bag then that would be an appropriate basis for filing a supplemental compensation application.

{¶4} From review of the file and the comments presented at the hearing, this panel finds the February 11, 2003 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The February 11, 2003 decision of the Attorney General is AFFIRMED;

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

{¶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.

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JAMES H. HEWITT III  
Commissioner

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LEO P. MORLEY  
Commissioner

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KARL H. SCHNEIDER  
Commissioner