

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: TIAN T L. BRIGHT	:	Case No. V2003-40054
TIAN T L. BRIGHT	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On November 12, 2002, the Attorney General issued a Finding of Fact and Decision denying the applicant’s claim pursuant to R.C. 2743.60(F) contending that the applicant had engaged in substantial contributory misconduct. The Attorney General stated that the applicant returned to the offender’s place of business and pulled a gun on the offender prior to being shot by the offender. On December 6, 2002, the applicant filed a request to reconsider. On December 31, 2002, the Attorney General issued a Final Decision denying the applicant’s claim once again. The Attorney General asserted that the applicant was shot in self-defense and argued that the applicant’s injury was a foreseeable result of his own misconduct and hence the applicant was not a victim of criminally injurious conduct. On January 13, 2003, the applicant appealed the Attorney General’s Final Decision. On May 23, 2003, the Attorney General filed a Supplemental Brief recommending that the applicant’s claim be denied pursuant to R.C. 2743.60(E). The Attorney General revealed that the applicant was convicted of drug abuse, a

third degree felony, on November 20, 1995. Hence, this appeal came to be heard before this panel of three commissioners on July 9, 2003 at 11:45 A.M.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for this panel's consideration. The Assistant Attorney General merely reiterated her position, which was set forth in the Attorney General's Supplemental Brief, that the claim should be denied pursuant to R.C. 2743.60(E) since the applicant was convicted of a felony within ten years of the criminally injurious conduct.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the December 31, 2002 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The December 31, 2002 decision of the Attorney General is AFFIRMED;

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

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

DALE A. THOMPSON
Commissioner

CLARK B. WEAVER, SR.
Commissioner

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ASHER W. SWEENEY
Commissioner