

[Cite as *In re Simes*, 2003-Ohio-6132.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: KETEISHA T. SIMES	:	Case No. V2003-40445
KETEISHA T. SIMES	:	<u>ORDER OF A THREE-</u>
MICHELE D. GRAY	:	<u>COMMISSIONER PANEL</u>

Applicants

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On March 6, 2003, the Attorney General granted Keteisha Simes an award of reparations in the amount of \$537.20 for unreimbursed work loss incurred in relation to an October 27, 2002 assault. However, the Attorney General denied the claim for medical expense pursuant to R.C. 2743.60(D) and the claim for replacement services loss and evidence replacement loss was denied as unverifiable. On April 15, 2003, the Attorney General granted Keteisha Simes an additional award in the amount of \$2,327.86 for unreimbursed work loss only. On April 28, 2003, the applicant appealed the Attorney General's Final Decision. Hence, this appeal came to be heard before this panel of commissioners on August 20, 2003 at 10:40 A.M.

Keteisha Simes, via telephone, and an Assistant Attorney General attended the hearing and presented testimony and oral argument for this panel's consideration. Keteisha Simes testified that she seeks additional reimbursement for clothing items that were damaged as a result of the criminally injurious conduct. Ms. Simes stated that a pair of leather boots, a leather skirt,

a fur vest, under garments, and her purse were either removed from her person at the hospital or taken by the police. Ms. Simes indicated that she was unaware if any of the items listed were taken for evidentiary purposes by the police.

The Assistant Attorney General maintained that the applicant's purported expenses do not qualify as evidence replacement loss since the items were not taken for evidentiary purposes by the police. Accordingly, the Assistant Attorney General stated that the applicant's claim for reimbursement of the purported items must be denied since those items are unrecoverable under R.C. 2743.51(U). The Assistant Attorney General also noted for the panel that a supplemental claim was filed by a different applicant however, the new claim concerns items not sought in this appeal.

From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel finds the April 15, 2003 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

- "1) The April 15, 2003 decision of the Attorney General is AFFIRMED;
- "2) This claim is referred to the Attorney General for payment of the \$2,327.86 award;
- "3) This order is entered without prejudice to the applicants' right to file a supplemental compensation application pursuant to R.C. 2743.68;
- "4) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

LEO P. MORLEY
Commissioner

KARL H. SCHNEIDER
Commissioner

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