

[Cite as *In re Tubbs*, 2003-Ohio-6133.]

**IN THE COURT OF CLAIMS OF OHIO**  
**VICTIMS OF CRIME DIVISION**

IN RE: JULIA M. TUBBS	:	Case No. V2003-40500
JULIA M. TUBBS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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This appeal came to be heard before this panel of three commissioners on August 20, 2003 at 10:00 A.M. upon the applicant's May 27, 2003 appeal from the May 21, 2003 Final Decision of the Attorney General.

The applicant filed a reparations application in January 2003 seeking reimbursement of economic loss incurred in relation to an alleged October 2000 sexual assault. The Attorney General denied the applicant's claim pursuant to R.C. 2743.56(B), R.C. 2743.60(A) and R.C. 2743.51(C)(1). The Attorney General stated that the applicant failed to file a reparations application within two years of the alleged criminally injurious conduct, the applicant failed to report the incident to law enforcement officials within seventy-two hours of the alleged occurrence or show good cause for the delay, and that the applicant failed to sufficiently prove she was a victim of criminally injurious conduct. The applicant filed an appeal of the Attorney General's Final Decision.

The *pro se* applicant and an Assistant Attorney General attended the hearing and presented testimony and oral argument for this panel's consideration. Julia Tubbs briefly testified that she was sexually assaulted by Dr. William Crafton in October 2000. Ms. Tubbs explained that the incident occurred after her surgical procedure at Christ Hospital. Ms. Tubbs stated that she initially did not inform the police of this matter because she was advised by a nurse that the police would not come to the hospital in order for her to make a report. However, the applicant asserted that she later filed a complaint with Christ Hospital against Dr. Crafton to no avail. Nevertheless, the applicant stated that in December 2001, she contacted a detective about the matter. The applicant explained that prior to December of 2001 she had amnesia and could not remember the incident. The applicant asserted that the statute of limitations should not have begun to run until April 2001 when her relationship with Dr. Crafton terminated.

Dr. William Crafton, the alleged offender, testified by telephone that he never sexually assaulted the applicant during her stay at Christ Hospital or anytime thereafter. Dr. Crafton asserted that he always maintained a professional demeanor with Ms. Tubbs throughout the course of their relationship. Dr. Crafton denied any and all wrongdoing against the applicant.

Erin Hutchins, Director of Medical Records for Christ Hospital, testified by telephone that she was unable to produce those records sought by the subpoena. Ms. Hutchins stated that as custodian of Christ Hospital's records she is not in possession, nor is anyone else, of any surveillance tapes or photographs that depict the alleged criminally injurious conduct or private rooms in the hospital. Ms. Hutchins indicated that Christ Hospital's surveillance tapes are used solely as a mechanism to secure and monitor common areas of the hospital.

The Assistant Attorney General maintained, based on the testimony proffered, that the applicant's claim must be denied since the applicant failed to prove she was a victim of criminally injurious conduct, failed to prove she timely reported the matter to law enforcement officials or show good cause for the delay, and failed to file a timely reparations application.

From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant failed to prove, by a preponderance of the evidence, that she was a victim of criminally injurious conduct. Therefore, the May 21, 2003 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

"1) The August 11, 2003 motion to quash the subpoena of Dr. William Crafton is  
OVERRULED;

"2) The May 21, 2003 decision of the Attorney General is AFFIRMED;

"3) This claim is denied and judgment is entered for the state of Ohio;

"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

ID #4-dld-tad-091903  
Filed 10-16-2003  
Jr. Vol. 2251, Pgs. 118-120  
To S.C. 11-19-2003

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KARL H. SCHNEIDER  
Commissioner