

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

IN RE: JULIAN J. MIDDLETON	:	Case No. V2003-40712
JAMES SPENCER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} James Spencer, on behalf of Julian J. Middleton, filed a reparations application seeking reimbursement of expenses incurred with respect to the September 21, 2000 murder of Karen Spencer. On March 24, 2003, the Attorney General denied the applicant’s claim contending that Julian, Karen’s minor son, did not qualify as a victim in his own right since he did not have a direct awareness of the incident. On April 23, 2003, the applicant filed a request for reconsideration. On June 23, 2003, the Attorney General denied the claim solely pursuant to R.C. 2743.60(D) contending that all of Julian’s economic loss had been or may be recouped from collateral sources, specifically Kaiser Permanente, Medical Mutual and Qual Choice. On July 22, 2003, the applicant filed an appeal of the Attorney General’s Final Decision. Hence, this matter came to be heard before this panel of three commissioners on January 15, 2004 at 11:05 A.M.

{¶2} James Spencer, applicant’s counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel’s consideration. Applicant’s counsel stated he anticipates that future expenses will be incurred on behalf of Julian. The Assistant Attorney

General stated that the applicant may file a supplemental compensation application once those expenses have been incurred. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶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 June 23, 2003 decision of the Attorney General shall be affirmed without prejudice.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The June 23, 2003 decision of the Attorney General is AFFIRMED without prejudice;

{¶6} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

{¶7} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

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CLARK B. WEAVER, SR.  
Commissioner

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JAMES H. HEWITT III  
Commissioner

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THOMAS H. BAINBRIDGE

**[Cite as *In re Middleton*, 2004-Ohio-1893.]**

Commissioner

ID #5-dld-tad-020204

A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Cuyahoga County Prosecuting Attorney and to:

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Jr. Vol. 2253, Pgs. 1-2

To S.C. Reporter 4-14-2004

