

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: JANE S. LAMIER	:	Case No. V2003-41221
JANE S. LAMIER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On July 25, 2003, the applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a 1999 theft incident. On October 14, 2003, the Attorney General denied the applicant's claim pursuant to R.C. 2743.56(B) and R.C. 2743.60(A) contending that the applicant failed to file a reparations application within two years of the incident. The Attorney General also denied the claim pursuant to R.C. 2743.52(A) asserting that the applicant failed to prove she was a victim of criminally injurious conduct. On October 27, 2003, the applicant filed a request for reconsideration. On December 10, 2003, the Attorney General denied the applicant's claim once again. On December 18, 2003, the applicant filed a notice of appeal to the Attorney General's December 10, 2003 decision. Hence, this matter came to be heard before this panel of three commissioners on February 26, 2004 at 10:20 A.M.

{¶2} The applicant, Jane Lamier, was in attendance via telephone. An Assistant Attorney General attended the hearing and presented oral testimony for the panel's

consideration. Jane Lamier testified with respect to the events surrounding the criminally injurious conduct. Mrs. Lamier stated she was delayed in filing a reparations application because the police could not locate the alleged offender. She also elaborated that both she and her husband suffer from medical conditions which also caused a delay in filing a reparations application.

{¶3} The applicant's husband, David Lamier, also testified via telephone. Mr. Lamier again recounted the incident and his subsequent dealings with the offender. He also testified to both his and the applicant's medical problems, which delayed them in filing a reparations application.

{¶4} The Assistant Attorney General presented no witnesses and rested on the subsequent decision rendered by her office.

{¶5} 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. The applicant has failed to prove, by a preponderance of the evidence, that she was a victim of criminally injurious conduct as defined in R.C. 2743.51(C)(1) or that she filed the reparations application in a timely manner as required by R.C. 2743.56(B) and R.C. 2743.60(A).

{¶6} The applicant failed to establish that the theft offense that occurred at her home in December of 1999 posed a substantial threat of personal injury or death as required by R.C. 2743.51(C)(1). Mrs. Lamier failed to present any evidence that would require this panel to find an exception to the two year filing period as found in R.C. 2743.56(B)(2) and 2743.60(A). Therefore, the December 10, 2003 Final Decision of the Attorney General shall be affirmed.

{¶7} IT IS THEREFORE ORDERED THAT:

- {¶8} 1) The December 10, 2003 decision of the Attorney General is AFFIRMED;
- {¶9} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- {¶10} 3) Costs are assumed by the court of claims victims of crime fund.

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

STEVEN A. LARSON
Commissioner

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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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