

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: RICHARD L. SHAFFER	:	Case No. V2003-41204
RICHARD L. SHAFFER	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a March 3, 2002 incident involving his condominium association. On October 6, 2003, the Attorney General denied the applicant's claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove that he qualifies as a victim of criminally injurious conduct. On October 9, 2003, the applicant filed a request for reconsideration. On December 8, 2003, the Attorney General denied the applicant's claim once again. On December 15, 2003, the applicant filed a notice of appeal to the Attorney General's Final Decision. Hence, this matter came to be heard before this panel of three commissioners on May 19, 2004 at 1:55 P.M.

{¶2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Mr. Shaffer was sworn in and given the opportunity to present his case. Mr. Shaffer informed the panel that he wanted leave in order to transfer his victim's case to the Supreme Court of Ohio, where he has a pending case involving

the Attorney General's office against the Ohio Civil Rights Commission. After a brief discussion of the case, 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, this panel makes the following determination. First, we find that the applicant's May 19, 2004 motion to transfer his victim's case to the civil division of the court of claims shall be denied, since the panel lacks the expressed authority to do so. Second, we find that the applicant has failed to prove, by a preponderance of the evidence, that he was a victim of criminally injurious conduct. The applicant has failed to show how the alleged conduct posed a substantial threat of injury or death to him that is punishable by fine, imprisonment, or death. Therefore, the December 8, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

- 1) The applicant's February 5, 2004 motion "To Include All State Held Relevant Investigations" is hereby DENIED;
- 2) The applicant's February 18, 2004 motion "To Include All Formal Governmental Entity Investigations that Logically Dovetail into the Matters that are Before the Court Received from The Attorney General's Office" is hereby DENIED;
- 3) The applicant's April 29, 2004 motion "To Support Intent to Clarify Appeal Via Affidavit" is hereby DENIED;
- 4) The applicant's May 19, 2004 oral motion "To Transfer His Victim's Case to the Supreme Court Of Ohio" is hereby DENIED;
- 5) The December 8, 2003 decision of the Attorney General is AFFIRMED;

- 6) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 7) 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

ID #\4-dld-tad-052004

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

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To S.C. Reporter 8-26-2004