

[Cite as *In re Williams*, 2004-Ohio-4615.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: WILLIAM D. WILLIAMS	:	Case No. V2004-60202
WILLIAM D. WILLIAMS	:	<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 an alleged January 19, 2002 assault incident. The applicant contends that he was assaulted by a Bally's employee, for no reason, after leaving the facility. On October 28, 2003, the Attorney General denied the applicant's claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove, by a preponderance of the evidence, that he qualifies as a victim of criminally injurious conduct. On November 25, 2003, the applicant filed a request for reconsideration. On January 26, 2004, the Attorney General denied the applicant's claim once again. On February 26, 2004, the applicant filed a notice of appeal to the Attorney General's Final Decision. On April 7, 2004, the Attorney General filed a Brief recommending the Final Decision be affirmed since the applicant fails to qualify as a victim of criminally injurious conduct. The Attorney General asserted that an employee of Bally's thought the

applicant was acting suspiciously and had stolen something when he attempted to confront the applicant about the matter. The Attorney General stated that the applicant fled from the Bally's employee and hence a chase ensued. The Attorney General contended that the Bally's employee tripped, fell and inadvertently knocked the applicant into a wall. The Attorney General asserted that no criminally injurious conduct occurred since there was no substantial threat of physical harm or death to the applicant, which is punishable by imprisonment, fine, or death. Hence, this matter came to be heard before this panel of three commissioners on May 20, 2004 at 11:05 A.M.

{¶2} The applicant, applicant's counsel, and an Assistant Attorney General attended the hearing. The applicant testified and each party presented oral argument for the panel's consideration.

{¶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. We find, based on the testimony presented and the totality of the circumstances surrounding the events of January 19, 2002, that the applicant has failed to prove, by a preponderance of the evidence, that he was a victim of criminally injurious conduct. Therefore, the January 26, 2004 Final Decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

- 1) The January 26, 2004 decision of the Attorney General is AFFIRMED;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 3) 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 #\1--tad-060804

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

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