

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: BRENDA A. JONES	:	Case No. V2004-60563
BRENDA A. JONES	:	<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 June 2, 2003 sexual assault incident. On January 8, 2004, the Attorney General denied the applicant's claim pursuant to former R.C. 2743.60(E)(3) contending that the applicant engaged in drug trafficking on May 13, 2003 when she attempted to negotiate the sale of crack cocaine to an undercover police officer. On January 30, 2004, the applicant filed a request for reconsideration. On February 25, 2004, the Attorney General denied the applicant's claim once again. On May 19, 2004, the applicant appealed the Attorney General's February 25, 2004 Final Decision. Hence, this matter came to be heard in the interest of justice before this panel of three commissioners on September 22, 2004 at 10:35 A.M.

{¶ 2} An Assistant Attorney General attended the hearing and presented the testimony of Columbus Police Officer Ronda Siniff and oral argument for this panel's consideration. The *pro se* applicant briefly testified via telephone, however during Officer Ronda Siniff's testimony the applicant requested to be disconnected and hence the proceedings advanced in Ms. Jones'

absence. Before disconnecting Brenda Jones testified that, although she was arrested and charged with drug trafficking, she did not attempt to traffic drugs to anyone on May 13, 2003. However, Officer Ronda Siniff testified that the applicant was charged with drug trafficking on May 13, 2003 due to her involvement in an attempted undercover drug transaction. Officer Siniff explained that on May 13, 2003 she was working undercover in the narcotics division when Brenda Jones and her daughter, Tamica Jones, informed her and another female that they were able to secure crack cocaine for a negotiated price. Officer Siniff explained that, even though the transaction was never completed during the encounter, Brenda Jones was eventually arrested and charged with drug trafficking because she knowingly offered to sell a controlled substance in violation of R.C. 2925.03.

{¶ 3} The Assistant Attorney General maintained that the applicant's claim should be denied pursuant to R.C. 2743.61(D) and former R.C. 2743.60(E)(3). The Assistant Attorney General argued that the applicant's appeal was filed 82 days late in violation of R.C. 2743.61(D), which requires that an appeal be filed within 30 days of the Attorney General's Final Decision. The Assistant Attorney General also argued that the applicant engaged in drug trafficking, based upon Officer Siniff's testimony, in violation of R.C. 2925.03 and former R.C. 2743.60(E)(3).

{¶ 4} Former R.C. 2743.60(E)(3) states:

{¶ 5}(E) The attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

{¶ 6}(3) It is proved by a preponderance of the evidence that the victim or the claimant engaged, within ten years prior to the criminally injurious conduct gave rise to the claim or during the pendency of the claim, in an offense of violence, a violation of section 2925.03 of the

Revised Code, or any substantially similar offense that also would constitute a felony under the laws of this state, another state, or the United States.

{¶ 7} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. We find that Brenda Jones engaged in drug trafficking on May 13, 2003, which is within ten years of the criminally injurious conduct. Therefore, the February 25, 2004 decision of the Attorney General shall be affirmed pursuant to former R.C. 2743.60(E)(3).

{¶ 8} IT IS THEREFORE ORDERED THAT

- 1) The February 25, 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.

KARL H. SCHNEIDER
Commissioner

JAMES H. HEWITT III
Commissioner

GREGORY BARWELL
Commissioner

ID #\8-dld-tad-092904

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

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