

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: MICHAEL D. GAUSE	:	Case No. V2004-60695
MICHAEL D. GAUSE	:	<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 in relation to a March 5, 2004 assault. On May 5, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(E) contending that the applicant was convicted of a felony, Having Weapons Under Disability, on July 13, 1999, which is within ten years of the criminally injurious conduct. On May 21, 2004, the applicant filed a request for reconsideration. On July 7, 2004, the Attorney General denied the claim once again pursuant to R.C. 2743.60(E) and also pursuant to R.C. 2743.60(F) asserting that the applicant engaged in substantial contributory misconduct since he was involved in drug trafficking at the time of the criminally injurious conduct. On July 15, 2004, the applicant filed a notice of appeal to the Attorney General's July 7, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on October 7, 2004 at 10:40 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for this panel's

consideration. The Assistant Attorney General summarized the case and reiterated her position regarding denial of the claim.

{¶ 3} From review of the file and with full and careful consideration given to the comments presented at the hearing, we find that the July 7, 2004 decision of the Attorney General shall be affirmed pursuant to R.C. 2743.60(E)(1).

{¶ 4} IT IS THEREFORE ORDERED THAT

- 1) The July 7, 2004 decision of the Attorney General is AFFIRMED pursuant to R.C. 2743.60(E)(1);
- 2) This claim is DENIED and judgment is entered for the state of Ohio;
- 3) Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

KARL H. SCHNEIDER
Commissioner

CLARK B. WEAVER, SR.
Commissioner

ID #\1-dld-tad-102804

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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