

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: TAWNYA L. PETERS	:	Case No. V2003-40798
ROSALIE C. ROBERTS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement for expenses incurred with respect to the February 18, 2003 murder of Tawnya Peters. On June 2, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(E), R.C. 2743.60(F), and In re Dawson (1993), 63 Ohio Misc. 2d 79. The Attorney General stated that on October 23, 2002 the victim engaged in *violent* felonious conduct when she forced entry into the domicile of another and assaulted the occupant. The Attorney General also stated that the victim engaged in substantial contributory misconduct since the decedent tested positive for benzodiazepine on the coroner's toxicology evaluation. On July 1, 2003, the applicant filed a request for reconsideration. On August 6, 2003, the Attorney General issued a Final Decision denying the claim once again. On August 25, 2003, the applicant filed an appeal to the Attorney General's Final Decision. Hence, this matter came to be heard before this panel of three commissioners on November 19, 2003 at 10:20 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that he rests on his September 26, 2003 Brief. The panel chairman concluded the hearing.

{¶3} From review of the file, we find that the August 6, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The August 6, 2003 decision of the Attorney General is AFFIRMED;

{¶6} 2) This claim is DENIED and judgment is entered for the state of Ohio;

{¶7} 3) Costs are assumed by the court of claims victims of crime fund.

KARL H. SCHNEIDER
Commissioner

LEO P. MORLEY
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\1-dld-tad-112603

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

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To S.C. Reporter 3-2-2004