

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: TROY L. MONTGOMERY	:	Case No. V2003-40801
JEANETTE MONTGOMERY	:	<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 in relation to the April 16, 2002 murder of her son, Troy L. Montgomery. On June 6, 2002, the Attorney General issued a Finding of Fact and Decision denying the applicant’s claim pursuant to R.C. 2743.60(E) contending that the victim had been convicted of trafficking in cocaine, a fifth degree felony, on August 21, 2000. On July 15, 2002, the applicant filed a request for reconsideration asserting that she was also a victim of criminally injurious conduct. On July 30, 2002, the Attorney General issued a Final Decision denying the claim again. On August 21, 2002, the applicant filed a notice of appeal. However, the court did not receive notice of that appeal until August 27, 2003. Hence, this matter came to be heard before this panel of three commissioners on November 20, 2003 at 10:20 A.M.

{¶2} The applicant and an Assistant Attorney General attended the hearing and presented testimony, exhibits, and oral arguments for this panel’s consideration. Jeanette Montgomery briefly shared her feelings and concerns with the panel about the death of her son

and the victims' program. However, the Assistant Attorney General maintained that this claim must be denied since Troy had been convicted of four counts of felony drug trafficking within ten years of the criminally injurious conduct.

{¶3} R.C. 2743.60(E)(1) states:

“(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:

“(1) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.”

{¶4} Although we empathize with Ms. Montgomery over the loss of her son, we must follow the law and deny this claim pursuant to R.C. 2743.60(E)(1). Therefore, the July 30, 2002 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The July 30, 2002 decision of the Attorney General is AFFIRMED;

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

{¶8} 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 #\9-dld-tad-112403

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

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