

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: CHARLES G. WILSON, JR.	:	Case No. V2004-61021
DALE A. WILSON	:	<u>ORDER OF A THREE-</u>
PAMELA MARTIN	:	<u>COMMISSIONER PANEL</u>
ALISE WHITE	:	
Applicants	:	
<hr/>		
	: : : : :	

{¶1} The applicants filed a reparations application seeking reimbursement of expenses incurred with respect to an April 16, 2002 assault incident involving Charles Wilson, Jr. The victim expired as a result of the assault on December 27, 2003. On August 6, 2004, the Attorney General denied Pamela Martin’s claim pursuant to former R.C. 2743.60(E) asserting that Ms. Martin was convicted of Carrying a Concealed Weapon, a fourth degree felony, on October 6, 1994, which is within ten years of the criminally injurious conduct. The Attorney General denied the other applicants’ claims pursuant to R.C. 2743.52(A) asserting that they failed to prove, by a preponderance of the evidence, that they incurred economic loss as a result of the criminally injurious conduct. On August 16, 2004, the applicants filed a request for reconsideration. On September 16, 2004, the Attorney General denied the applicants’ claim once again. The Attorney General noted that Thomas Funeral Home indicated that only Pamela

Martin paid the funeral bill. On October 8, 2004, the applicants filed a notice of appeal to the Attorney General's September 16, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on January 13, 2005 at 11:25 A.M.

{¶2} Neither the applicants nor anyone on their behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented an exhibit and brief comments for the panel's consideration. The Assistant Attorney General stated that she rests on the documents contained in the case file and introduced evidence of Pamela Martin's felony conviction.

{¶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 that Dale Wilson and Alise White have failed to prove, by a preponderance of the evidence, that they incurred economic loss as a result of the criminally injurious conduct. Pamela Martin's claim for economic loss is denied pursuant to former R.C. 2743.60(E). Should Dale Wilson and Alise White obtain evidence of incurred economic loss, that would be an appropriate basis for filing a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The September 16, 2004 decision of the Attorney General is AFFIRMED;

{¶6} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

{¶7} 3) This order is entered without prejudice to Dale A. Wilson's and Alise White's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\1-dld-tad-012005

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

Filed 3-10-2005
Jr. Vol. 2256, Pgs. 119-121
To S.C. Reporter 4-29-2005