

[Cite as *In re Crabtree*, 2005-Ohio-2585.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: SCOTT A. CRABTREE	:	Case No. V2003-40941
SCOTT A. CRABTREE	:	<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 February 21, 2003 shooting incident. On June 5, 2003, the Attorney General denied the claim pursuant to R.C. 2743.60(C) contending that the applicant failed to fully cooperate with law enforcement officials, since the police requested multiple interviews with the applicant to no avail. The Attorney General also denied the claim pursuant to former R.C. 2743.60(F) asserting that the applicant engaged in substantial contributory misconduct, since he tested positive for opiates and cocaine on a hospital toxicology screening. The Attorney General also contended that the applicant engaged in a mutual fight with the offender that contributed to the criminally injurious conduct. On July 8, 2003, the applicant filed a request for reconsideration. On August 28, 2003, the Attorney General denied the applicant's claim once again pursuant to former R.C. 2743.60(F). On September 26, 2003, the applicant filed a notice of appeal to the Attorney General's August 28, 2003 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on February 23, 2005 at 10:35 A.M.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and advised the panel that the offender pled

guilty to felonious assault against the applicant. Nevertheless, the Assistant Attorney General stated that she rests on the evidence contained in the claim file concerning the applicant's failure to cooperate with law enforcement officials and the applicant's positive toxicology report for cocaine.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the August 28, 2003 Final Decision of the Attorney General shall be affirmed.

{¶ 4} IT IS THEREFORE ORDERED THAT

- 1) The February 15, 2005 motion for extension of time to file a supplemental memorandum is hereby DENIED;
- 2) The August 28, 2003 decision of the Attorney General is AFFIRMED;
- 3) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 4) Costs are assumed by the court of claims victims of crime fund.

JAMES H. HEWITT III
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

GREGORY P. BARWELL
Commissioner

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

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To S.C. Reporter 5-25-2005