

[Cite as *In re Dalton*, 2005-Ohio-820.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

IN RE: WESLEY C. DALTON	:	Case No. V2004-60890
WESLEY C. DALTON	:	<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 June 8, 2003 assault incident. On July 6, 2004, the Attorney General denied the applicant's claim pursuant to former R.C. 2743.60(E)(4) since the applicant was convicted of domestic violence on October 16, 1998 and August 21, 2003. On August 7, 2004, the applicant filed a request for reconsideration. On August 20, 2004, the Attorney General denied the applicant's claim once again. On September 9, 2004, the applicant filed a notice of appeal to the Attorney General's August 20, 2004 Final Decision. Hence, this appeal came to be heard before this panel of commissioners on December 1, 2004 at 12:45 P.M.

{¶ 2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented testimony, exhibits, and brief comments for this panel's consideration. Wesley Dalton briefly testified concerning the criminally injurious conduct and the circumstances surrounding his domestic violence convictions. However, the Assistant Attorney General maintained that the applicant is ineligible to receive an award of reparations, since he was convicted of domestic violence on October 16, 1998 and August 21, 2003.

{¶ 3} Former R.C. 2743.60(E)(4) 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:

(4) The claimant was convicted of a violation of section 2919.22 or 2919.25 of the Revised Code, or of any state law or municipal ordinance substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim.

{¶ 4} 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. Although we empathize with the applicant with respect to his June 8, 2003 victimization, we cannot however grant an award of reparations in this case based upon former R.C. 2743.60(E)(4), which prohibits this panel from granting an award to an applicant who has been convicted of a domestic violence offense within ten years of the criminally injurious conduct or during the pendency of the claim. Therefore, the August 20, 2004 decision of the Attorney General shall be affirmed pursuant to former R.C. 2743.60(E)(4).

IT IS THEREFORE ORDERED THAT

{¶ 5} 1)The August 20, 2004 decision of the Attorney General is AFFIRMED;

{¶ 6} 2)This claim is DENIED pursuant to former R.C. 2743.60(E)(4) and judgment is entered for the state of Ohio;

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

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL H. SCHNEIDER
Commissioner

ID #\1-dld-tad-120604

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

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