

[Cite as *In re Thompson*, 2006-Ohio-1323.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: JOE F. THOMPSON, JR.	:	Case No. V2005-80304
PAMELA K. THOMPSON	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
<hr/>		
	: : : : :	

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a February 15, 2004 shooting incident involving Joe Thompson (“Mr. Thompson”) and Johnny Francis (“Mr. Francis”). On March 2, 2005, the Attorney General denied the claim pursuant to R.C. 2743.60(F) contending that Mr. Thompson engaged in substantial contributory misconduct when he initiated the incident with Mr. Francis. On March 15, 2005, the applicant filed a request for reconsideration. On April 20, 2005, the Attorney General determined that no modification of the previous decision was warranted. On April 25, 2005, the applicant filed a notice of appeal to the Attorney General's April 20, 2005 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on October 6, 2005 at 11:50 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 based upon the facts of this case, the claim should be denied pursuant to R.C. 2743.60(F) since Mr. Thompson engaged in substantial contributory misconduct. Mr. Thompson initiated the incident when he discharged

his firearm and shot Mr. Francis. Mr. Francis was able to return fire, which struck and injured Mr. Thompson. Mr. Francis later died from his injuries, while Mr. Thompson remains comatose.

{¶ 3} From review of the file and with full and careful consideration given to the information presented at the hearing, we find the April 20, 2005 decision of the Attorney General shall be affirmed pursuant to R.C. 2743.52(A). In light of the facts of this case, we are unable to find that Mr. Thompson qualifies as a victim of criminally injurious conduct. Clearly, Mr. Thompson initiated the assault and Mr. Francis engaged in self-defense when he returned fire against Mr. Thompson.

IT IS THEREFORE ORDERED THAT

- 1) The April 20, 2005 decision of the Attorney General is AFFIRMED pursuant to R.C. 2743.52(A);
- 2) This claim is DENIED and judgment is rendered for the state of Ohio;
- 3) Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

TIM MC CORMACK
Commissioner

ID #\5-dld-tad-101305

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

Case No. V2005-80304

-3-

ORDER

Filed 1-6-2006
Jr. Vol. 2259, Pgs. 103-104
To S.C. Reporter 3-17-2006