

[Cite as *In Garrett*, 2006-Ohio-3305.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION
www.cco.state.oh.us

IN RE: DEMETRIUS GARRETT	:	Case No. V2005-80487
BRENDA L. COPES	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
:	:	:

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an October 8, 2004 assault incident involving her minor grandson, Demetrius Garrett. On April 8, 2005, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(F) contending that the victim engaged in substantial contributory misconduct because he initiated the fight by throwing the first punch. The Attorney General also denied the claim pursuant to R.C. 2743.60(A) contending that the applicant failed to file a police report. On April 28, 2005, the applicant filed a request for reconsideration. On June 9, 2005, the Attorney General determined that the previous decision warranted no modification. On July 7, 2005, the applicant filed a notice of appeal to the Attorney General's June 9, 2005 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on March 23, 2006 at 11:30 A.M.

{¶ 2} The applicant's attorney and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Counsel for the applicant indicated that he has been unable to reach the applicant for assistance in proceeding with the appeal. Counsel stated that at this time he

has nothing further to present. The Assistant Attorney General reiterated his position with respect to denying the claim. After a brief discussion, the panel chair concluded the hearing.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the June 9, 2005 decision of the Attorney General shall be affirmed pursuant to R.C. 2743.60(F).

IT IS THEREFORE ORDERED THAT

1) The June 9, 2005 decision of the Attorney General is AFFIRMED pursuant to R.C. 2743.60(F);

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.

GREGORY P. BARWELL
Commissioner

JAMES H. HEWITT III
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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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 5-12-2006

Jr. Vol. 2260, Pgs. 103-104

To S.C. Reporter 6-28-2006

