

[Cite as *In re Diar*, 2006-Ohio-5138.]

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

IN RE: JACOB T. DIAR	:	Case No. V2006-20267
ALICIA A. HUFF	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} On October 24, 2005, Alicia Huff, a friend of the offender (the minor victim's mother), filed a reparations application seeking reimbursement of expenses she incurred with respect to an August 27, 2003 homicide and arson incident, which resulted in the death of minor victim Jacob Diar. On January 17, 2006, the Attorney General denied the claim pursuant to R.C. 2743.56(B) and R.C. 2743.60(A) contending that the applicant filed an untimely reparations application. On January 25, 2006, the applicant filed a request for reconsideration. On March 27, 2006, the Attorney General denied the claim once again. On April 3, 2006, the applicant filed a notice of appeal. On May 19, 2006, the Attorney General filed a brief asserting that the claim should be denied since the applicant fails to qualify as a family member, as the term is defined under R.C. 2743.51(X). The Attorney General also stated that the claim should be denied because the applicant fails to qualify as an indirect victim of criminally injurious conduct. Hence, this matter came to be heard before this panel of three commissioners on June 7, 2006 at 9:40 A.M.

{¶ 2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General reiterated her position, as stated in the brief, for denying the claim and requested that the panel affirm the Attorney General's denial of the claim.

{¶ 3} Revised Code 2743.56(B) states:

(B) All applications for an award of reparations shall be filed as follows:

(1) If the victim of the criminally injurious conduct was a minor, within two years of the victim's eighteenth birthday or within two years from the date a complaint, indictment, or information is filed against the alleged offender, whichever is later. This division does not require that a complaint, indictment, or information be filed against an alleged offender in order for an application for an award of reparations to be filed pertaining to a victim who was a minor if the application is filed within two years of the victim's eighteenth birthday, and does not affect the provisions of section 2743.64 of the Revised Code.

(2) If the victim of the criminally injurious conduct was an adult, within two years after the occurrence of the criminally injurious conduct.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the March 27, 2006 decision of the Attorney

General shall be affirmed and the claim denied since the applicant failed to file a reparations application within two years of the criminally injurious conduct.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} The March 27, 2006 decision of the Attorney General is AFFIRMED;

{¶ 7} This claim is DENIED and judgment is rendered for the state of Ohio;

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

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TIM MC CORMACK  
Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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KARL C. KERSCHNER  
Commissioner

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

Filed 8-4-2006

Jr. vol. 2261, Pgs. 35-37

To S.C. Reporter 9-29-2006

