

[Cite as *In re Lang*, 2006-Ohio-6845.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

| | | |
|-----------------------|---|---------------------------|
| IN RE: DANIEL J. LANG | : | Case No. V2006-20674 |
| DANIEL J. LANG | : | Commissioners: |
| Applicant | : | Tim McCormack, Presiding |
| | : | Thomas H. Bainbridge |
| | : | Randi Ostry LeHoty |
| _____ | : | |
| _____ | : | <u>ORDER OF A THREE-</u> |
| | : | <u>COMMISSIONER PANEL</u> |
| | : | |
| | : | |
| | : | |
| | : | |
| | : | |

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a December 5, 2003 aggravated vehicular assault incident. On March 21, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) contending that the applicant engaged in violent felonious conduct, aggravated burglary, on March 6, 2001, which is within ten years of the criminally injurious conduct. On April 20, 2006, the applicant filed a request for reconsideration. On June 15, 2006, the Attorney General denied the claim once again. On July 11, 2006, the applicant filed a notice of appeal to the Attorney General’s June 15, 2006 Final Decision. On October 4, 2006 at 11:25 A.M., this matter came to be heard before this panel of three commissioners.

{¶2} The applicant, applicant’s attorney, and an Assistant Attorney General attended the hearing and presented testimony, an exhibit, and oral argument for the panel’s consideration. The applicant briefly testified concerning the events of the

criminally injurious conduct and the March 6, 2001 domestic violence incident. Applicant's counsel argued that the applicant should not be precluded from participation in the program simply due to the one isolated incident on March 6, 2001. However, the Attorney General maintained that pursuant to R.C. 2743.60(E)(1)(d) the claim must be denied in light of the applicant's April 30, 2001 domestic violence conviction. The Attorney General introduced Exhibit A, which is a copy of the Parma Municipal Court's docket sheet concerning the applicant's April 30, 2001 domestic violence conviction.

{¶3} Revised Code 2743.60(E)(1) states, in part, as follows:

"(E)(1) Except as otherwise provided in division (E)(2) of this section, 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:

(a) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

* * *

(d) 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, we find the June 15, 2006 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

- 1) The June 15, 2006 decision of the Attorney General is AFFIRMED;
- 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.

TIM MC CORMACK
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #\1-dld-tad-100406

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

Filed 11-30-2006
Jr. Vol. 2262, Pgs. 144-146
To S.C. Reporter 12-22-2006

Case No. V2006-20674

-1-

ORDER