

panel of commissioners is unreasonable or unlawful, the judge shall reverse and vacate the decision or modify it and enter judgment on the claim. The decision of the judge of the court of claims is final.”

{¶4} At the judicial hearing, applicant’s counsel asserted that the General Assembly did not intend to exclude applicants from participating in the Victims of Crime program based upon the criminal conduct of others. However, if the language used in a statute is clear and unambiguous, the statute must be applied as written and no further interpretation is allowed. *State ex rel. Burrows v. Indus. Comm.* (1997), 78 Ohio St.3d 78, 81.

{¶5} R.C. 2743.60(E)(1) states:

{¶6} “(E)(1) *** the attorney general, nor 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:

{¶7} “(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.”

{¶8} The court finds that the language of R.C. 2743.60(E)(1) is clear and unambiguous. Although the court sympathizes with applicant’s loss, the court is obligated to follow the law and to apply the facts of this case in determining whether applicants are entitled to an award.

{¶9} Upon review of the file in this matter, the court finds that the panel of commissioners was not arbitrary in finding that applicants did not show by a preponderance of the evidence that they were entitled to an award of reparations.

{¶10} Based on the evidence and R.C. 2743.61, it is the court’s opinion that the decision of the panel of commissioners was reasonable and lawful. Therefore, this court affirms the decision of the three-commissioner panel, and hereby denies applicants’ claim.

Case Nos. V2006-20356
V2006-20364
V2006-20372

-1-

DECISION

JOSEPH T. CLARK
Judge

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE:RALPH A. DI VINCENZO :
NANCY DI VINCENZO : Case No. V2006-20356
SAMANTHA DI VINCENZO :
MARIA MC GINTY :
DANIEL O'NEILL : Case No. V2006-20364
JESSICA O'NEILL : Case No. V2006-20372
Applicants : ORDER

: : : : : : : : : : :

Upon review of the evidence, the court finds the order of the panel of commissioners must be affirmed and applicant's appeal must be denied.

IT IS HEREBY ORDERED THAT:

- 1) The order of September 5, 2006, (Jr. Vol. 2261, Pages 131-135) is approved, affirmed and adopted;
- 2) This claim is DENIED and judgment entered for the State of Ohio;

[Cite as *In re DiVincenzo*, 2007-Ohio-1669.]

3) Costs assumed by the reparations fund.

JOSEPH T. CLARK
Judge

AMR/cmd

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 1-24-2007
Jr. Vol. 2263, Pg071
To S.C. Reporter 4-10-2007