

[Cite as *In re Burton*, 2007-Ohio-2275.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

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IN RE: FRANKLIN D. BURTON	:	Case No. V2006-21018
FRANKLIN D. BURTON	:	Commissioners:
Applicant	:	Gregory P. Barwell, Presiding
	:	Thomas H. Bainbridge
	:	Lloyd Pierre-Louis
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 18, 2006 assault incident. On July 21, 2006, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.60(E) because the applicant was convicted of domestic violence on November 14, 1996, which is within ten years of the criminally injurious conduct. On August 21, 2006, the applicant filed a request for reconsideration. On September 22, 2006, the Attorney General determined that the previous decision warranted no modification. On November 6, 2006, the applicant filed a notice of appeal to the Attorney General’s September 22, 2006 Final Decision. On January 24, 2007 at 11:30 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on his 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 provided a brief summary of the case and reiterated her position for denying the claim pursuant to R.C. 2743.60(E).

{¶3} R.C. 2743.60(E)(1)(d) states:

{¶4} (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:

{¶5} (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.

{¶6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the September 22, 2006 decision of the Attorney General shall be affirmed.

{¶7} IT IS THEREFORE ORDERED THAT:

{¶8} 1) The September 22, 2006 decision of the Attorney General is AFFIRMED;

{¶9} 2) This claim is DENIED and judgment is entered for the state of Ohio;

{¶10} 3) Costs are assumed by the court of claims victims of crime fund.

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GREGORY P. BARWELL  
Presiding Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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LLOYD PIERRE-LOUIS  
Commissioner

ID #X-dld-1aa-1/25/07

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

Filed 3-2-2007  
Jr. Vol. 2263, Pgs. 158-160  
To S.C. Reporter 5-11-2007