

[Cite as *In re Lawson*, 2007-Ohio-2946.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

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IN RE: NATHAN R. LAWSON	:	Case No. V2006-21093
NATHAN R. LAWSON	:	Commissioners:
Applicant	:	Randi Ostry LeHoty, Presiding
	:	Gregory P. Barwell
	:	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 July 24, 2005 shooting incident. On August 1, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(C) contending that the applicant failed to fully cooperate with law enforcement officials during the investigation of the case. On August 21, 2006, the applicant filed a request for reconsideration. The applicant denied the allegation that he failed to cooperate with the police and indicated that he spoke to the police while he was at the hospital. The applicant stated that he was told by the police that they would contact him, but they failed to do so. The applicant also noted that he was still willing to prosecute the offender, if he was captured. On October 20, 2006, the Attorney General denied the claim once again. On November 28, 2006, the applicant filed a notice of appeal to the Attorney General's October 20, 2006 Final Decision. The applicant stated that he

provided the police with all the information he knew while he was at the hospital and that he had no additional information about the matter. The applicant also noted that he was unaware of any other attempts by law enforcement to contact him. On February 21, 2007 at 11:10 A.M., this matter was heard by 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 testimony and oral argument for the panel's consideration. Detective Tim Doersam ("Detective Doersam") of the Reynoldsburg Police Department briefly testified that on July 24, 2005 he was dispatched to the Wasi Bar and Grill concerning a shooting incident, whereby the applicant sustained a gunshot wound. Detective Doersam explained that the applicant provided an initial written statement to officers at the hospital on July 24, 2005. According to Detective Doersam, he sought supplemental information regarding the shooting and he left a message on July 25, 2005 for the applicant to contact him, but the applicant did not return his telephone call. Detective Doersam asserted on July 26, 2005 he left another message for the applicant to call him, but the applicant never responded to his message. Lastly, Detective Doersam stated that on July 27, 2005 he sent the applicant a letter advising him that if he did not contact him by August 12, 2005 the case would be closed. Detective Doersam stated that the applicant never contacted him and that such inaction by the applicant hindered the investigation of the case.

{¶3} Revised Code 2743.60(C) states:

(C) The attorney general, a panel of commissioners, or a judge of the court of claims, upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny a claim or reconsider and reduce an award of reparations.

{¶4} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel finds that the applicant failed to fully cooperate with law enforcement during the investigation of the case. However, we find the applicant's lack of cooperation does not warrant a denial of the claim in its entirety. Law enforcement could have sought the assistance of other witnesses in determining the offender's identity as well as any other supplemental information. Nevertheless, a victim/applicant should cooperate with law enforcement to the best of his/her ability and hence any award based on this claim shall be reduced by 25% pursuant to R.C. 2743.60(C). Therefore, the October 20, 2006 decision of the Attorney General shall be reversed, any award shall be reduced by 25% pursuant to R.C. 2743.60(C), and the matter shall be remanded to the Attorney General for total economic loss calculations and decision that is consistent with the panel's decision.

{¶5} IT IS THEREFORE ORDERED THAT:

{¶6} 1) The October 20, 2006 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

{¶7} 2) This claim is remanded to the Attorney General for total economic loss calculations and decision that is consistent with the panel's decision;

{¶8} 3) Any award shall be reduced by 25 percent pursuant to R.C. 2743.60(C);

{¶9} 4) This order is entered without prejudice to the applicant's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

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RANDI OSTRY LE HOTY  
Presiding Commissioner

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GREGORY P. BARWELL  
Commissioner

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LLOYD PIERRE-LOUIS  
Commissioner

ID #X-dld-laa-022807

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

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To S.C. Reporter 6-8-2007

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ORDER