

[Cite as *In re Powers*, 2007-Ohio-2947.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: KENNETH POWERS	:	Commissioners:
	:	Randi Ostry LeHoty, Presiding
	:	Gregory P. Barwell
	:	Lloyd Pierre-Louis
JACQUELINE C. POWERS	:	Case No. V2006-21107
JANE POWERS	:	Case No. V2006-21115
Applicants	:	<u>ORDER OF A THREE-</u>
		<u>COMMISSIONER PANEL</u>
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{¶1} On January 24, 1996, Jacqueline Powers filed a reparations application seeking reimbursement of expenses incurred with respect to the November 24, 1995 homicide of Kenneth Powers (“victim”). On January 15, 1997, the single commissioner denied the claim pursuant to R.C. 2743.60(E) since the victim’s blood tested positive for cocaine on the coroner’s toxicology report. On June 27, 2006, the applicants filed a supplemental compensation application. On August 15, 2006, the Attorney General denied the claim pursuant to the doctrine of res judicata since the single commissioner had previously denied the claim pursuant to R.C. 2743.60(E). The Attorney General also denied the claim pursuant to R.C. 2743.68 since the applicants failed to file a supplemental compensation application within five years of the single commissioner’s January 15, 1997 decision. On August 29, 2006, the applicants filed a request for reconsideration. On October 20, 2006, the Attorney General denied the claim once

again. On November 20, 2006, applicant, Jane Powers, ("Ms. Powers) filed a notice of appeal to the Attorney General's October 20, 2006 Final Decision. On February 22, 2007 at 12:30 P.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicants nor anyone on their 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 stated that Ms. Powers and her son were present at the court prior to the hearing. However, Ms. Powers left because her son had to work. The Assistant Attorney General requested a continuance of the hearing to accommodate the applicants.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the October 20, 2006 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT:

{¶5} 1) The Attorney General's February 22, 2007 oral motion for a continuance is hereby DENIED;

{¶6} 2) The October 20, 2006 decision of the Attorney General is AFFIRMED;

{¶7} 3) This claim is DENIED and judgment is rendered for the state;

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

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RANDI OSTRY LE HOTY
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #\X-dld-iaa-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