

[Cite as *In re Hopgood*, 2007-Ohio-2949.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: JEFFERY C. HOPGOOD	:	Case No. V2006-21166
JEFFERY C. HOPGOOD	:	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 an alleged May 10, 2006 criminally injurious conduct incident. On September 8, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(A) contending that the applicant failed to file a police report with law enforcement concerning the alleged incident. On October 4, 2006, the applicant filed a request for reconsideration. On November 22, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(A) and R.C. 2743.52(A). The Attorney General stated that there was no evidence the applicant was a victim of criminally injurious conduct on May 10, 2006. The Attorney General stated the evidence shows the applicant sustained injury when he fell off his bike, while riding intoxicated. On November 30, 2006, the applicant filed a notice of appeal to the Attorney General's November 22, 2006 Final Decision. On January 16, 2007, the Attorney General filed a brief

recommending the Final Decision be affirmed since: 1) there is no evidence to prove that the applicant qualifies as a victim of criminally injurious conduct; 2) the applicant failed to report the matter to law enforcement officials; and 3) there is evidence that the applicant engaged in substantial contributory misconduct, since he was riding his bike while intoxicated. On February 22, 2007 at 12:35 P.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 summarized the case and reiterated her position to deny the claim. After a brief discussion of the claim, the panel chair concluded the hearing.

{¶3} R.C. 2743.51(L) states:

(L) "Victim" means a person who suffers personal injury or death as a result of any of the following:

- (1) Criminally injurious conduct;
- (2) The good faith effort of any person to prevent criminally injurious conduct;
- (3) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

R.C. 2743.51(C)(1) states in pertinent part:

(C) "Criminally injurious conduct" means one of the following:

- (1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the applicant failed to prove that he qualifies as a victim of criminally injurious conduct. Therefore, the November 22, 2006 decision of the Attorney General shall be affirmed pursuant to R.C. 2743.52(A).

{¶5} IT IS THEREFORE ORDERED THAT:

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

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

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

RANDI OSTRY LE HOTY
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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

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Jr. Vol. 2264, Pgs. 106-108
To S.C. Reporter 6-8-2007

Case No. V2006-21166

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ORDER