

[Cite as *In re Giguere*, 2007-Ohio-2984.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: SASHEWA L. GIGUERE	:	Case No. V2006-20194
SASHEWA L. GIGUERE	:	Commissioners:
	:	Lloyd Pierre-Louis, Presiding
Applicant	:	Thomas H. Bainbridge
	:	Gregory P. Barwell
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
	:	

{¶¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a March 31, 2004 burglary and rape incident. On January 3, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) because the applicant was convicted of child endangering on November 15, 2005. On February 2, 2006, the applicant filed a request for reconsideration contending that the child endangering incident was an accident. On February 13, 2006, the Attorney General denied the claim once again. On March 6, 2006, the applicant filed a notice of appeal to the Attorney General's February 13, 2006 Final Decision. On March 8, 2007 at 11:05 A.M., this matter was heard before this panel of three commissioners.

{12} The applicant and applicant's counsel appeared at the hearing via telephone. An Assistant Attorney General also attended the hearing and the parties presented brief comments for the panel's consideration. Applicant's counsel

acknowledged that the applicant had been convicted of child endangering, but argued that she was unjustly convicted due to ineffective counsel. Counsel also argued, in light of the circumstances surrounding the child endangering incident, that the applicant should not be denied compensation since it was an accident. The Assistant Attorney General reiterated her position for denying the claim.

{¶3} R.C. 2743.60(E)(1)(d) states:

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:

(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.

{¶4} From a review of the file and with full and careful consideration given to all the information presented at the hearing, we find the February 13, 2006 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The February 13, 2006 decision of the Attorney General is
AFFIRMED;

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

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

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LLOYD PIERRE-LOUIS
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\11-dld-laa-030907

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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To S.C. Reporter 6-14-2007

