

[Cite as *In re Nelson*, 2007-Ohio-2987.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: RALPH NELSON, III	:	Case No. V2006-21255
RALPH NELSON, III	:	Commissioners:
Applicant	:	Karl C. Kerschner, Presiding
	:	Tim McCormack
	:	Randi Ostry LeHoty
	:	
	:	<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 1, 2006 theft incident. The applicant alleges that \$540.00 was stolen from his automobile. On December 8, 2006, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove he qualified as a victim of criminally injurious conduct. On December 14, 2006, the applicant filed a request for reconsideration. On December 19, 2006, the Attorney General denied the claim once again. On December 22, 2006, the applicant filed a notice of appeal to the Attorney General's December 19, 2006 Final Decision. On March 21, 2007 at 10:25 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 summarized the case and reiterated her position for denying the claim.

{¶3} Revised Code 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.

{¶4} Revised Code 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.

{¶5} 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 was a victim of criminally injurious conduct on June 1, 2006. This panel, however, notes that the applicant indicated in the claim file that he may have been assaulted in connection with a vehicle theft that occurred on July 14, 2006. This decision shall not prejudice the applicant's ability to file a new and separate reparations application with

the Attorney General's office concerning the alleged July 14, 2006 assault incident, so long as the application is filed on or before July 14, 2008. Therefore, the December 19, 2006 decision of the Attorney General shall be affirmed.

{¶6} IT IS THEREFORE ORDERED THAT

{¶7} 1) The December 19, 2006 decision of the Attorney General is
AFFIRMED;

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

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

KARL C. KERSCHNER
Presiding Commissioner

TIM MC CORMACK
Commissioner

RANDI OSTRY LE HOTY
Commissioner

ID #A1-dld-tad-032807

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

Filed 5-18-2007
Jr. Vol. 2264, Pgs. 184
To S.C. Reporter 6-14-2007

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ORDER

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ORDER