

[Cite as *In re Londrico*, 2007-Ohio-3481.]

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

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IN RE: JOSEPH LONDRICO, SR.	:	Case No. V2006-21026
JOSEPH LONDRICO, SR.	:	Commissioners:
Applicant	:	Gregory P. Barwell, Presiding
	:	Thomas H. Bainbridge
	:	Karl C. Kerschner
_____	:	
_____	:	<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 April 4, 2004 home invasion. On August 15, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(C) contending that the applicant failed to fully cooperate with the police during the investigation of the home invasion. On September 15, 2006, the applicant filed a request for reconsideration. On October 11, 2006, the Attorney General denied the claim pursuant to R.C. 2743.52(A) and R.C. 2743.60(E). The Attorney General stated that the applicant failed to prove he was a victim of criminally injurious conduct and noted that the applicant was arrested for domestic violence on June 5, 2006. On November 13, 2006, the applicant filed a notice of appeal to the Attorney General's October 11, 2006 Final Decision. On March 26, 2007, an Assistant Attorney General filed a brief modifying her previous decision and

recommending that the Final Decision be reversed and that the claim remanded to the Attorney General for economic loss calculations. On April 4, 2007 at 10:30 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 provided a brief statement for the panel's consideration. The Assistant Attorney General related that the applicant's June 5, 2006 domestic violence arrest was reduced to disorderly conduct. The Attorney General also related that the applicant has fully cooperated with law enforcement during the investigation of the April 4, 2004 home invasion, according to Detective Greg Smagola of the Independence Police Department.

{¶3} From review of the file and with full and careful consideration given to all the evidence presented at the hearing, this panel makes the following determination. First, the panel finds that the applicant qualifies as a victim of criminally injurious conduct, because he was the victim of a home invasion on April 4, 2004. Second, the panel finds that the applicant fully cooperated with law enforcement during the investigation of the criminally injurious conduct. Third, the panel finds that the applicant was not convicted of domestic violence as a result of his June 5, 2006 arrest. Based upon the above, we find that the October 11, 2006 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for economic loss calculations and payment to the applicant consistent therewith.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The Attorney General's April 3, 2007 motion for telephone testimony is hereby DENIED;

{¶6} 2) The October 11, 2006 decision of the Attorney General is REVERSED and judgment is rendered for the applicant;

{¶7} 3) The claim is remanded to the Attorney General for economic loss calculations and payment to the applicant consistent therewith;

{¶8} 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;

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

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GREGORY P. BARWELL  
Presiding Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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KARL C. KERSCHNER  
Commissioner

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ID #6-dld-tad-041207

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

Filed 6-1-2007  
Jr. Vol. 2265, Pgs. 18-21  
To S.C. Reporter 7-6-2007

Case No. V2006-21026

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ORDER