

[Cite as *In re West*, 2007-Ohio-3485.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: MALI WEST	:	Case No. V2007-90064
MALI WEST	:	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 a September 4, 2006 motor vehicle incident. The applicant stated that she was struck by a motor vehicle driven by a fleeing felon. On November 24, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) because the applicant was convicted of felony domestic violence on October 20, 1997. On December 11, 2006, the applicant filed a request for reconsideration. On December 13, 2006, the Attorney General determined that the previous decision warranted no modification. On January 13, 2007, the applicant filed a notice of appeal to the Attorney General's December 13, 2006 Final Decision. On April 5, 2007 at 10:00 A.M., this matter was heard before this panel of three commissioners.

{¶2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented comments for the panel's consideration. Applicant's counsel stated that he spoke to the applicant about her 1997 domestic violence conviction. Counsel stated that he does not dispute that the applicant was convicted of felony domestic violence in 1997. The Assistant Attorney General briefly reiterated her position for denying the claim pursuant to R.C. 2743.60(E)(1).

{¶3} Revised Code 2743.60(E)(1)(d) states:

“(E)(1) 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 review of the file and with full and careful consideration given to all the information presented at the hearing, we find the December 13, 2006 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The applicant's April 20, 2007 motion for an additional hearing is hereby DENIED;

{¶7} 2) The December 13, 2006 decision of the Attorney General is AFFIRMED;

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

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

GREGORY P. BARWELL
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

KARL C. KERSCHNER
Commissioner

ID #\7-dld-tad-042407

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 7-6-2007

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ORDER