

**IN THE COURT OF CLAIMS OF OHIO**

**VICTIMS OF CRIME DIVISION**

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IN RE: MORRIS CAMPBELL	:	Case No. V2004-60075
MORRIS CAMPBELL	:	Commissioners:
Applicant	:	Lloyd Pierre-Louis, Presiding
	:	Thomas H. Bainbridge
	:	Clarence E. Mingo II
	:	
	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} On August 10, 2005, the applicant filed a supplemental compensation application seeking reimbursement of additional expenses incurred as a result of an April 19, 2003 hit and run motor vehicle incident.<sup>1</sup> On November 21, 2005, the Attorney General denied the claim and asserted that the applicant received an overpayment in Social Security benefits totaling \$15,981.25. On December 7, 2005, the applicant filed a request for reconsideration. On July 31, 2006, the Attorney General denied the claim once again, however pursuant to R.C. 2743.52(A). The Attorney General stated that the applicant failed to prove that he qualified as a victim of criminally injurious conduct. On August 29, 2006, the applicant filed a notice of appeal to the Attorney General's July 31, 2006 Final Decision. On April 23, 2007, the Attorney General filed a brief indicating that the applicant now qualifies as a victim of criminally injurious conduct pursuant to

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Previously, the Attorney General granted the applicant awards of reparations totaling \$41,480.14.

Am. Sub. H.B. 461. The Attorney General recommended that the applicant be granted a commuted award totaling \$9,122.50. On May 9, 2007 at 11:00 A.M., this matter was heard before this panel of three commissioners.

{¶2} The applicant's counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. Applicant's counsel briefly summarized the case and indicated his agreement with the Attorney General's April 23, 2007 recommendation. After a brief discussion of the claim, the panel chairperson concluded the hearing. On May 11, 2007, the Attorney General filed a post hearing memorandum indicating the applicant should actually be granted a commuted award totaling \$8,519.86 instead of \$9,122.50. On May 14, 2007, the applicant's attorney filed a statement agreeing with the Attorney General's May 11, 2007 recommendation.

{¶3} 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 qualifies as a victim of criminally injurious conduct pursuant to Am. Sub. H.B. 461 (effective 1/4/07). The applicant was the victim of a hit and run accident on April 19, 2003 and as a result of the incident, he sustained an amputated leg, multiple bodily fractures, and a separated shoulder.

{¶4} We also find that the applicant incurred additional economic loss totaling \$8,519.86. Therefore, the July 31, 2006 decision of the Attorney General shall be reversed to award \$8,519.86 to the applicant as unreimbursed economic loss.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The July 31, 2006 decision of the Attorney General is REVERSED to render judgment in favor of the applicant in the amount of \$8,519.86;

{¶7} 2) This claim is referred to the Attorney General pursuant to R.C. 2743.191 for payment of the award;

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

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LLOYD PIERRE-LOUIS  
Presiding Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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CLARENCE E. MINGO II  
Commissioner

ID #A12-dld-tad-051507

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 6-15-2007  
Jr. Vol. 2265, Pgs. 56-58  
To S.C Reporter 7-6-2007

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ORDER