

[Cite as *In re Hampton*, 2007-Ohio-4511.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

www.cco.state.oh.us

IN RE: ALVIN E. HAMPTON	:	Case No. V2007-90170
JESSIE M. HAMPTON	:	Commissioners:
ALEX J. SMITH	:	Gregory P. Barwell, Presiding
SANDRA JOHNSON	:	Tim McCormack
	:	Clarence E. Mingo II
Applicants	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicants filed a reparations application seeking reimbursement of expenses incurred with respect to the August 22, 2006 homicide of Alvin Hampton. On January 22, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(E)(1)(e) because the victim's blood tested positive for the presence of cocaine on the coroner's toxicology report. On February 2, 2007, the applicants filed a request for reconsideration. On February 22, 2007, the Attorney General denied the claim once again. On March 2, 2007, Jessie Hampton filed a notice of appeal to the Attorney General's February 22, 2007 Final Decision. At 10:40 A.M. on May 23, 2007, this matter was heard before this panel of three commissioners.

{¶2} Neither the applicants nor anyone on their 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 his position for denying the claim.

{¶3} Revised Code 2743.60(E)(1)(e) 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:

(e) It is proved by a preponderance of the evidence that the victim at the time of the criminally injurious conduct that gave rise to the claim engaged in conduct that was a felony violation of section 2925.11 of the Revised Code or engaged in any substantially similar conduct that would constitute a felony under the laws of this state, another state, or the United States."

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the February 22, 2007 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The February 22, 2007 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.

GREGORY P. BARWELL

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Presiding Commissioner

TIM MC CORMACK
Commissioner

CLARENCE E. MINGO II
Commissioner

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

Filed 7-5-2007
Jr. Vol. 2265, Pgs. 144-146
To S.C. Reporter 8-31-2007

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ORDER