

[Cite as *In re Smith*, 2007-Ohio-4697.]

Court of Claims of Ohio

Victims of Crime Division

The Ohio Judicial Center
65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: BOBBIE SMITH

BOBBIE SMITH

Applicant

Case No. V2007-90099

Commissioners:
Karl C. Kerschner, Presiding
Thomas H. Bainbridge
Tim McCormack

ORDER OF A THREE- COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a June 29, 2006 assault incident. On October 23, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) and *In re Dawson* (1993), 63 Ohio Misc. 2d 79, contending that the applicant had engaged in felonious drug use because her blood tested positive for the presence of cocaine, THC, and opiates on a Meridia Huron Hospital's toxicology screening. On November 7, 2006,

the applicant filed a request for reconsideration. On November 29, 2006, the Attorney General denied the claim once again. On December 26, 2006, the applicant filed a notice of appeal to the Attorney General's November 29, 2006 Final Decision. At 11:00 A.M. on July 11, 2007, this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on her 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} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the November 29, 2006 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The November 29, 2006 decision of the Attorney General is
AFFIRMED;

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

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

KARL C. KERSCHNER
Presiding Commissioner

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THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

ID #4-dld-tad-071307

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 8-31-2007
Jr. Vol. 2266, Pgs. 92-94
To S.C. Reporter 9-13-2007

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ORDER