

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: KARYLE A. MARQUEZ

Case No. V2007-90323

KARYLE A. MARQUEZ

Applicant

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 September 25, 2006 assault incident. On January 22, 2007, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove she incurred economic loss as a result of the criminally injurious conduct. On February 1, 2007, the applicant filed a request for reconsideration. On April 2, 2007, the Attorney General denied the claim once again. On April 25, 2007, the applicant filed a notice of appeal to the Attorney General's April 2, 2007 Final Decision. On June 8, 2007, the Attorney General filed a brief recommending the claim be denied because the applicant engaged in felonious conduct within ten years of the criminally injurious conduct. The Attorney General stated that the

applicant was arrested and charged with drug trafficking, a fifth degree felony, in September 2004. The applicant's drug trafficking charge was dismissed, but the applicant pled guilty to possession of marijuana, a fifth degree felony, in November 2005. The applicant was sentenced to intervention in lieu of conviction for two years. At 10:10 A.M. on July 11, 2007, this matter was heard before this panel of three commissioners.

{¶2} Revised Code 2743.60(E)(1)(a) 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:

(a) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

{¶3} 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.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the April 2, 2007 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The April 2, 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.

KARL C. KERSCHNER
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

ID #A1-dld-tad-071307

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

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