

## Court of Claims of Ohio

### Victims of Crime Division

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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](http://www.cco.state.oh.us)

IN RE: ALVIN E. HAMPTON

Case No. V2007-90170

JESSIE M. HAMPTON

DECISION

ALEX J. SMITH

Judge Clark B. Weaver Sr.

SANDRA JOHNSON

Applicants

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{¶1} This matter came on to be considered upon applicant's, Alex J. Smith, appeal from the July 5, 2007 order issued by the panel of commissioners. The panel's determination affirmed the final decision of the Attorney General, which denied applicant's claim for an award of reparations pursuant to R.C. 2743.60(E)(1)(e) based upon the finding that the decedent's blood tested positive for cocaine.

{¶2} R.C. 2743.52(A) places the burden of proof on an applicant to satisfy the Court of Claims Commissioners that the requirements for an award have been met by a preponderance of the evidence. *In re Rios* (1983), 8 Ohio Misc.2d 4, 8 OBR 63, 455 N.E.2d 1374. The panel found, upon review of the evidence, that the Attorney General proved by a preponderance of the evidence that the decedent had engaged in felony conduct.

{¶3} Neither applicants nor anyone on their behalf appeared at the hearing before the panel of commissioners.

{¶4} The standard for reviewing claims that are appealed to the court is established by R.C. 2743.61(C), which provides in pertinent part: “If upon hearing and consideration of the record and evidence, the judge decides that the decision of the panel of commissioners is unreasonable or unlawful, the judge shall reverse and vacate the decision or modify it and enter judgment on the claim. The decision of the judge of the court of claims is final.”

{¶5} Upon review of the file in this matter, the court finds that the panel of commissioners was not arbitrary in finding that applicant did not show by a preponderance of the evidence that they were entitled to an award of reparations.

{¶6} Based on the evidence and R.C. 2743.61, it is the court’s opinion that the decision of the panel of commissioners was reasonable and lawful. Therefore, this court affirms the decision of the three-commissioner panel, and hereby denies applicant’s claim.

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CLARK B. WEAVER SR.  
Judge



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ORDER

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Upon review of the evidence, the court finds the order of the panel of commissioners must be affirmed and applicant's appeal must be denied.

IT IS HEREBY ORDERED THAT:

- 1) The order of July 5, 2007, (Jr. Vol. 2265, Pages 144-146) is approved, affirmed and adopted;
- 2) This claim is DENIED and judgment entered for the State of Ohio;
- 3) Costs assumed by the reparations fund.

CLARK B. WEAVER SR.

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Judge

AMR/cmd

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 10-23-07  
Jr. Vol. 2266, Page 204  
To S.C. Reporter 11-21-07