

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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Columbus, OH 43215

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IN RE: W. B.

Case No. V2008-30201

MELISSA BLEVINS

Applicant

Commissioners:

Thomas H. Bainbridge, Presiding

Gregory P. Barwell

Randi Ostry LeHoty

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} On September 19, 2007, the applicant, Melissa Blevins, filed a reparations application on behalf of her minor daughter, W.B., as the result of a sexual assault. On November 1, 2007, the Attorney General issued a Finding of Fact and Decision determining that W.B. was not a victim of criminally injurious conduct. On November 6, 2007, the applicant submitted a request for reconsideration. On December 21, 2007, the applicant secured representation by attorney Mark Poole. On January 23, 2008, the Attorney General rendered a Final Decision finding there was no reason to modify its prior decision. On February 19, 2008, the applicant filed a notice of appeal from the January 23, 2008 Final Decision of the Attorney General. On May 2, 2008, the applicant's attorney filed a motion to participate via telephone. Hence a hearing was held before this panel of three commissioners on May 7, 2008 at 11:15 A.M.

{¶ 2} The applicant's counsel, Mark Poole via telephone and Assistant Attorney General Heidi James attended the hearing and presented brief comments for the panel's consideration. Assistant Attorney General James stated that based on new information that was submitted, the Attorney General now believes that the minor W.B. was a victim of sexual assault. Accordingly, Ms. James requested that this claim be remanded to the Attorney General's office for economic loss calculations. The

applicant's attorney expressed his agreement with Ms. James' proposal. At that point the hearing was concluded.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find W.B. was a victim of criminally injurious conduct. Therefore the January 23, 2008 decision of the Attorney General is reversed and the claim shall be remanded to the Attorney General for total economic loss calculations and decision.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The applicant's May 5, 2008 motion for telephone testimony is GRANTED;

{¶ 6} 2) The January 23, 2008 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

{¶ 7} 3) This claim is remanded to the Attorney General for total economic loss calculations and decision;

{¶ 8} 4) This order is entered without prejudice to the applicant's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

THOMAS H. BAINBRIDGE
Presiding Commissioner

[Cite as *In re W.B.*, 2008-Ohio-4267.]

GREGORY P. BARWELL
Commissioner

RANDI OSTRY LE HOTY
Commissioner

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

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To S.C. Reporter 8-20-2008