

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215

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www.cco.state.oh.us

IN RE: RICHARD KNOWLTON

Case No. V2007-90439

RICHARD KNOWLTON

Commissioners:
Lloyd Pierre-Louis, Presiding
Gregory P. Barwell
Clarence E. Mingo II

Applicant

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a September 24, 2006 assault. On February 28, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(F), asserting that the applicant engaged in contributory misconduct at the time he was injured. On March 12, 2007, the applicant filed a request for reconsideration. The applicant asserts he did not engage in any unlawful or intentionally tortuous conduct at the time he was injured. On May 9, 2007, the Attorney General denied the claim once again. On June 8, 2007, the applicant filed a notice of appeal to the Attorney General's May 9, 2007 Final Decision. On November 21, 2007, the Attorney General filed a brief. The Attorney General's investigation revealed that the applicant did not engage in contributory misconduct at the time he was injured and, accordingly, the claim should be remanded for calculation of economic loss suffered by the applicant. On December 19, 2007 at 11:20 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} The applicant, applicant's attorney and an Assistant Attorney General attended the hearing. The Assistant Attorney General stated a review of the police reports compiled in this case revealed that the applicant had not engaged in contributory misconduct at the time he was injured. She requested that the Final

Decision of the Attorney General be reversed and the case be remanded for calculation of economic loss. Applicant's counsel concurred with the Assistant Attorney General's assessment of the case.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the May 9, 2007 decision of the Attorney General shall be 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 May 9, 2007 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

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

{¶ 7} 3) 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;

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

LLOYD PIERRE-LOUIS
Presiding Commissioner

GREGORY P. BARWELL
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 2-14-08

Jr. Vol. 2267, Pgs. 171-173

To S.C. Reporter 10-31-2008