

Court of Claims of OhioVictims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215

614.387.9800 or 1.800.624.6263
www.cco.state.oh.us

IN RE: DEAN A. IAFORNARO

Case No. V2007-90676

DEAN A. IAFORNARO

Applicant

Commissioners:
Tim McCormack, Presiding
Clarence E. Mingo II
Lloyd Pierre-Louis

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an alleged series of criminal incidents that occurred between 2000 and 2007. On August 15, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(E), since the applicant had been convicted of felonious assault on December 17, 2000. On September 14, 2007, the applicant filed a request for reconsideration. On September 25, 2007, the Attorney General issued a Final Decision again denying the applicant's claim pursuant to R.C. 2743.60(E), based upon December 17, 2000 convictions for fleeing, a fourth degree felony, and felonious assault, a second degree felony. On October 20, 2007, the applicant filed a notice of appeal to the Attorney General's September 25, 2007 Final Decision. On January 9, 2008, at 9:55 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General summarized the case and reiterated his position that the claim should be denied pursuant to R.C. 2743.60(E). The Assistant Attorney General presented Exhibit 1, a copy of the indictment from the Lorain County Common Pleas Court for the panel's inspection.

{¶ 3} R.C. 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.”

{¶ 4} From a review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the September 25, 2007 decision of the Attorney General shall be affirmed.

{¶ 5} On January 17, 2008, eight days after the hearing, the applicant filed a motion to testify by phone.

{¶ 6} IT IS THEREFORE ORDERED THAT

{¶ 7} 1) The Attorney General's Exhibit 1 is admitted into evidence;

{¶ 8} 2) The applicant's motion to testify by phone is DENIED, because it was untimely filed;

{¶ 9} 3) The September 25, 2007 decision of the Attorney General is AFFIRMED;

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

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

TIM MC CORMACK
Presiding Commissioner

CLARENCE E. MINGO II
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

ID #:\VICTIMS\2007\2007-90676\1-30-08 panel decision.wpd\DRB-tad

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

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Jr. Vol. 2268, Pgs. 21-23
To S.C. Reporter 11-3-2008