

[Cite as *In re Crockett*, 2008-Ohio-6091.]

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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IN RE: EDDIE T. CROCKETT

EDDIE T. CROCKETT

Applicant

Case No. V2008-30316

Commissioners:

Lloyd Pierre-Louis, Presiding

Gregory P. Barwell

Karl C. Kerschner

ORDER OF A THREE COMMISSIONER PANEL

{¶ 1} On September 18, 2007, the applicant, Eddie T. Crockett, filed a compensation application as the result of a dog bite which occurred on August 1, 2007. On November 29, 2007, the Attorney General issued a finding of fact and decision denying the applicant's claim pursuant to R.C. 2743.60(E)(1)(d), since he was convicted of domestic violence on October 18, 2000, which was within ten years of the occurrence of the criminally injurious conduct. On January 4, 2008, the applicant submitted a request for reconsideration. On January 28, 2008, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On March 14, 2008, the applicant filed a notice of appeal from the January 28, 2008 Final Decision of the Attorney General. Hence, a hearing was held before panel commissioners Randi Ostry LeHoty, Thomas Bainbridge and Tim McCormack on June 11, 2008 at 10:15 A.M.

{¶ 2} The applicant, Eddie T. Crockett, and Assistant Attorney General Mark Zemba appeared at the hearing. Mr. Crockett asserted that he was not guilty of the domestic violence offense, but that it was his twin brother who might have committed the offense. Assistant Attorney General Mark Zemba submitted documentation that Edward T. Crockett was convicted of domestic violence. However, Mr. Crockett was unsure whether this conviction applied to him. Due both to the uncertainty of the conviction actually applying to him and to his request for counsel, the hearing was continued.

{¶ 3} On September 24, 2008, a hearing was held before this panel of commissioners at 10:45 A.M.

{¶ 4} The applicant, Eddie T. Crockett, testified that he was not convicted of domestic violence. On cross examination, Mr. Crockett was presented with State's Exhibit "D," the compensation application filed on September 12, 2007. Mr. Crockett stated that his signature appeared on the bottom of the last page of the form, as well as on the second to the last page of the application. Next, the applicant was handed State's Exhibit "E," a criminal complaint filed in the Franklin County Municipal Court on June 26, 2002. This document concerned a theft by deception charge brought against an Eddie T. Crockett. He acknowledged that his social security number, date of birth, and his signature appear on the document. Mr. Crockett's attention was then directed to the sentencing entry. This entry indicated that Mr. Crockett was found guilty of this offense and sentenced to 10 days of confinement. The sentence was waived due to the fact that he had served this time prior to sentencing. Mr. Crockett testified that although his signature appears on these documents, he did not sign these documents in court, but rather at the time he was detained at Krogers. Next, Assistant Attorney General Tyler Brown handed Mr. Crockett State's Exhibit "A," a sentencing entry dated October

18, 2000. This document revealed that Eddie T. Crockett was found guilty of domestic violence and was sentenced to 10 days in jail with a ninety-day credit for time served. Finally, Assistant Attorney General Brown handed the applicant State's Exhibit "C," a waiver of trial by jury form dated October 18, 2000 concerning the domestic violence charge. Mr. Crockett testified that his signature appeared on State's Exhibit "C." Ultimately, Mr. Crockett testified that all of the signatures on State's Exhibits "D," "E" and "C" were his.

{¶ 5} On re-direct examination by his counsel, Mr. Crockett asserted that his name appeared on the documents presented but that he had no recollection of signing said documents, appearing in court or spending time in jail as the result of the convictions for domestic violence and theft by deception. However, upon questioning by Commissioner Kerschner, Mr. Crockett admitted that he did sign the jury waiver form contained in State's Exhibit "E" on August 21, 2002 in Franklin County Municipal Court. Mr. Crockett then admitted that he was found guilty and sentenced for the charge of theft by deception. Whereupon, the testimony of Mr. Crockett was concluded.

{¶ 6} Assistant Attorney General Brown then called William Dinan to the stand. Mr. Dinan is an investigator with the Attorney General's office. He testified that he reviewed Mr. Crockett's criminal background and confirmed that Mr. Crockett was convicted of domestic violence in the Franklin County Municipal Court. To further confirm the offender's identity, Mr. Dinan contacted the Columbus Police Department's Identification Bureau and requested a photo of the person arrested for the domestic violence charge. Mr. Brown presented State's Exhibit "F," a photo of Mr. Crockett which contained his social security number.

{¶ 7} The applicant's counsel, Michael Falleur, cross-examined the witness and inquired whether fingerprints accompanied the photo. Mr. Dinan stated they did not. Whereupon, Mr. Dinan's testimony was concluded.

{¶ 8} In closing, applicant's attorney Falleur requested that he be given additional time to compare Mr. Crockett's fingerprints with those fingerprints on file for the domestic violence conviction. Whereupon, the hearing was concluded.

{¶ 9} R.C. 2743.60(E)(1)(d) states:

{¶ 10} "(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:

{¶ 11} "(d) The claimant was convicted of a violation of section 2919.22 or 2919.25 of the Revised Code, or of any state law or municipal or ordinance substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim."

{¶ 12} From review of the file and with full and careful consideration given to all the information presented at the hearing, we make the following determination. We find that the applicant's claim must be denied pursuant to R.C. 2743.60(E)(1)(d), since he was convicted of domestic violence within ten years of the occurrence of the criminally injurious conduct. We find the Attorney General has presented overwhelming evidence that the applicant was convicted of domestic violence and a fingerprint comparison is unnecessary. Accordingly, the January 28, 2008 decision of the Attorney General is affirmed.

{¶ 13} IT IS THEREFORE ORDERED THAT

{¶ 14} 1) State's Exhibits "A," "C," "D," "E" and "F" are admitted into evidence;

{¶ 15} 2) The January 28, 2008 decision of the Attorney General is
AFFIRMED;

{¶ 16} 3) This claim is DENIED and judgment is entered for the state of Ohio;

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

LLOYD PIERRE-LOUIS
Commissioner

GREGORY P. BARWELL
Commissioner

KARL C. KERSCHNER
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: