



Court of Claims of Ohio

Victims of Crime Division

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

IN RE: BECKY JOSE

Case No. V2009-40145

BECKY JOSE

Applicant

Commissioners:
Thomas H. Bainbridge, Presiding
Karl C. Kerschner
Lloyd Pierre-Louis

ORDER OF A
THREE-COMMISSIONER PANEL

{¶ 1} On May 17, 2008, the applicant, Becky Jose, filed a compensation application as the result of an alleged incident of domestic violence which occurred on August 4, 2007. On November 10, 2008, the Attorney General issued a finding of fact and decision denying the applicant's claim for an award since she failed to prove, by a preponderance of the evidence, she was a victim of criminally injurious conduct as defined in R.C. 2743.51(C)(1). On December 1, 2008, the applicant submitted a request for reconsideration. On January 26, 2009, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On February 6, 2009, the applicant filed a notice of appeal from the January 26, 2009 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on May 6, 2009 at 9:45 A.M.

{¶ 2} Assistant Attorney General Tyler Brown appeared on behalf of the state of Ohio. Neither the applicant nor her attorney attended the hearing. The Attorney General made a brief statement for the panel's consideration. The Attorney General's investigation revealed that the applicant experienced a pattern of domestic violence. This pattern culminated in the offender being indicted for attempted murder of the applicant.

Accordingly, based on this new evidence the Attorney General conceded that the applicant was a victim of criminally injurious conduct and requested the claim be remanded to the Attorney General's office for calculation and payment of an award. Whereupon, the hearing was concluded.

{¶ 3} Upon full and careful consideration of all the information presented at the hearing, we find the applicant qualifies as a victim of criminally injurious conduct. Therefore, the January 26, 2009 decision of the Attorney General is reversed.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The January 26, 2009 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 calculation 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.

THOMAS H. BAINBRIDGE
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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

Filed 7-1-2009

Jr. Vol. 2272, Pgs. 127-129

To S.C. Reporter 8-14-2009