



Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center
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www.cco.state.oh.us

IN RE: JACQUETTA I. HOWARD

JACQUETTA I. HOWARD

Applicant

Case No. V2011-60247

Commissioners:

Susan G. Sheridan, Presiding

William L. Byers IV

E. Joel Wesp

ORDER OF THREE COMMISSIONER PANEL

{¶1} On November 4, 2010, the applicant, Jacquetta Howard, filed a compensation application as the result of a criminal incident which allegedly occurred on August 15, 2000. On December 22, 2010, the Attorney General issued a finding of fact and decision denying the applicant's claim pursuant to R.C. 2743.56(B)(2) and 2743.60(A), failure to file the compensation application within two years of the date of the criminal act. On January 3, 2011, the applicant submitted a request for reconsideration. On February 11, 2011, the Attorney General rendered a Final Decision finding no reason to modify the initial decision. On March 10, 2011, the applicant filed a notice of appeal from the February 11, 2011 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on June 2, 2011 at 12:05 P.M.

{¶2} Assistant Attorney General Lauren Angell represented the state of Ohio, however, the applicant did not attend the hearing.

{¶3} The Attorney General made a brief statement for the panel's consideration. The Attorney General related that the applicant alleges she was a victim of crime on

August 15, 2000. The applicant did not supply the Attorney General with a police report and the Attorney General's attempts to secure such a report from the Cincinnati Police Department

were unsuccessful. Consequently, the applicant has presented no evidence that she qualified as a victim of criminally injurious conduct.

{¶4}Furthermore, the statute of limitations in this case ran on August 15, 2002. The applicant did not file the application until November 2010. While unsound mind would toll the statute of limitations, the applicant has presented no information to support the proposition that she was or is of unsound mind. Accordingly, the Attorney General urges the panel to affirm the Final Decision.

{¶5}R.C. 2743.56(B)(2) states:

"(B) All applications for an award of reparations shall be filed as follows:

"(2) If the victim of the criminally injurious conduct was an adult, within two years after the occurrence of the criminally injurious conduct."

{¶6}R.C. 2743.60(A) in pertinent part states:

"(A) The attorney general, a court of claims panel of commissioners, or a judge of the court of claims shall not make or order an award of reparations to any claimant who, if the victim of the criminally injurious conduct was an adult, did not file an application for an award of reparations within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which the victim is seeking an award of reparations . . ."

{¶7}From review of the case file and upon full and careful consideration of the statements made by the Attorney General at the hearing, we find the applicant's claim should be denied pursuant to R.C. 2743.56(B)(2) and 2743.60(A). The applicant has presented no evidence requiring that the statute of limitations be tolled. The February 11, 2011 decision of the Attorney General is affirmed.

IT IS THEREFORE ORDERED THAT

- {¶8}1) The February 11, 2011 decision of the Attorney General is AFFIRMED;
- {¶9}2) This claim is DENIED and judgment is rendered for the state of Ohio;
- {¶10}3) Costs are assumed by the court of claims victims of crime fund.

SUSAN G. SHERIDAN
Presiding Commissioner

WILLIAM L. BYERS IV
Commissioner

E. JOEL WESP
Commissioner

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

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