

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: JESSICA A. DAVISON

PORTIA THOMPCKINS

Applicant

Case No. V2009-40340

Commissioners:
Lloyd Pierre-Louis, Presiding
Karl C. Kerschner
Randi M. Ostry

ORDER OF A THREE-COMMISSIONER PANEL

{¶ 1} On October 29, 2008, the applicant, Portia Thompkins, filed a compensation application as the result of the death of Jessica Davison, her niece. On February 25, 2009, the Attorney General issued a finding of fact and decision determining that Jessica Davison's death was not the result of criminally injurious conduct. Ms. Davison was killed as the result of a motor vehicle crash and the Attorney General reasoned her death was not caused by one of the exceptions to the motor vehicle exclusion as contained in R.C. 2743.51(C)(1). On March 9, 2009, the applicant submitted a request for reconsideration. On May 1, 2009, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On May 12, 2009, the applicant filed a notice of appeal from the May 1, 2009 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on March 3, 2010 at 10:15 A.M.

{¶ 2} Attorney Kimberley Wells appeared on behalf of the applicant, while Assistant Attorney General David Lockshaw represented the state of Ohio. The Attorney General stated that the parties had reached an agreement based upon witness

statements provided by the applicant, and additional reports from the Dayton Police Department. The Attorney General now agrees that the decedent Jessica Davison qualifies as a victim of criminally injurious conduct. The Attorney General requested the claim be remanded for economic loss calculations. The applicant expressed her agreement with the Attorney General's statement. Whereupon, the hearing was concluded.

{¶ 3} From review of the file and with full and careful consideration given to the agreement of the parties presented at the hearing, we find Jessica Davison qualifies as a victim of criminally injurious conduct and the applicant's claim shall be remanded to the Attorney General for calculation of economic loss. Therefore, the May 1, 2009 decision of the Attorney General is reversed.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The May 1, 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 calculation and payment of economic loss;

{¶ 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

KARL C. KERSCHNER
Commissioner

RANDI M. OSTRY
Commissioner

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

Filed 4-22-2010
Jr. Vol. 2275, Pgs. 62-64
To S.C. Reporter 6-9-2010