



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: KEVIN L. STRADFORD

KEVIN L. STRADFORD

Applicant

Case No. V2011-60026

Commissioners:

Karl C. Kerschner, Presiding

Susan G. Sheridan

E. Joel Wesp

ORDER OF A THREE COMMISSIONER PANEL

{1}On October 18, 2010, the applicant, Kevin Stradford, filed a compensation application as the result of being stabbed on June 25, 2010. On October 29, 2010, the Attorney General issued a finding of fact and decision denying the applicant's claim since, on October 18, 2002, he had been convicted of robbery, a felony of the third degree; drug trafficking, a felony of the fifth degree; possession of drugs, a felony of the third degree; and attempted assault on a police officer, a felony of the fifth degree. The applicant had also been convicted on August 13, 2004, of trafficking in drugs, a felony of the third degree. Finally, on April 30, 2008, the applicant was convicted of harassment by inmate, a felony of the fifth degree. All these felony convictions occurred within ten years of the occurrence of the criminally injurious conduct and, accordingly, the applicant's claim should be denied pursuant to R.C. 2743.60(E)(1)(a).

{2}On November 4, 2010, the applicant submitted a request for reconsideration. On December 29, 2010, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On January 14, 2011, the applicant filed a notice of

appeal from the December 29, 2010 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on April 6, 2011 at 11:00 A.M.

{3}Assistant Attorney General Melissa Montgomery appeared on behalf of the state of Ohio. The applicant did not attend the hearing.

{4}The Attorney General made a brief statement for the panel's consideration. The Attorney General stated that the facts of this case are not in dispute. The applicant had been convicted of six felonies between October 18, 2002 and April 30, 2008. The applicant was a victim of crime on June 25, 2010. Pursuant to R.C. 2743.60(E)(1)(a), a panel of commissioners cannot grant an award to an applicant who has been convicted of a felony within ten years prior to the occurrence of the criminally injurious conduct. Therefore, the Attorney General's Final Decision should be affirmed. Whereupon, the hearing was concluded.

{5}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."

{6}From review of the case file and upon full consideration of the statement presented by the Attorney General at the hearing, we find the applicant's claim should be denied pursuant to R.C. 2743.60(E)(1)(a), due to the felony convictions of the applicant within ten years of the criminally injurious conduct. Therefore, the December 29, 2010 Final Decision of the Attorney General is affirmed.

IT IS THEREFORE ORDERED THAT

{7}1) The December 29, 2010 decision of the Attorney General is AFFIRMED;

{8}2) This claim is DENIED and judgment is rendered for the state of Ohio;

{9}3) Costs are assumed by the court of claims victims of crime fund.

KARL C. KERSCHNER
Presiding Commissioner

SUSAN G. SHERIDAN
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 Cuyahoga County Prosecuting Attorney and to:

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