[Cite as *In re Darling*, 2025-Ohio-3233.]

IN THE COURT OF CLAIMS OF OHIO

IN RE: PORSCHEA L. DARLING	Case No. 2025-00213VI
PORSCHEA L. DARLING	Magistrate Holly True Shaver
Applicant	DECISION OF THE MAGISTRATE

{¶1} On February 28, 2025, Porschea L. Darling ("applicant") filed a Notice of Appeal from the Attorney General's ("AG") January 29, 2025 Final Decision. A hearing was held on this appeal on May 27, 2025. Applicant failed to appear at the hearing. Assistant AG Lauren Angell appeared on behalf of the State of Ohio.

{¶2} In the application for this claim, applicant stated that the date of the crime was July 18, 2024. Upon investigation, the AG determined that a series of incidents took place from July 14, 2024 to August 5, 2024, with a police report documenting such incidents dated August 19, 2024.

{¶3} In her application applicant states:

> On July 18th 2024 Natoria Anne Carlton came to my home over a guy she has texted my phone from his phone stalked my house and social media accounts and made social media accounts placing me in groups on Facebook and wishing death on my unborn child, I have proof and screenshots as well plus voicemails and phone calls of her calling my phone several times during the day and night that harassment still goes on til this day.

{¶4} On December 18, 2024, the AG issued a Finding of Fact and Decision denying applicant's claim because it obtained information from law enforcement that applicant was the alleged offender, not the victim. Applicant filed a Request for Reconsideration reasserting her claims and stating that she attempted to serve a protection order against Natoria but was unsuccessful. On January 29, 2025, the AG rendered its Final Decision wherein it did not modify the Finding of Fact and Decision.

{¶5} At the hearing, the AG stated that during its investigation, it found a police report from the Columbus Police Department dated August 19, 2024, which shows that between July 14, 2024, and August 5, 2024, telecommunications harassment occurred. However, the report names applicant as the offender and Natoria as the victim. The AG did not find any police reports regarding this time period and these parties in which applicant was listed as the victim.

{¶6} R.C. 2743.61(B) states, in pertinent part:

> If upon hearing and consideration of the record and evidence, the court decides that the decision of the attorney general appealed from is reasonable and lawful, it shall affirm the same. If the court decides that the decision of the attorney general is not supported by a preponderance of the evidence or is unreasonable or unlawful, the court shall reverse and vacate the decision or modify it and enter judgment thereon.

{¶7} R.C. 2743.51(C)(1) states, in relevant part, that criminally injurious conduct is "any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death." In addition, R.C. 2743.51(L) states:

> "Victim means one of the following: (1) A person who suffers personal injury or death as a result of any of the following: (a) Criminally injurious conduct; (b) The good faith effort of any person to prevent criminally injurious conduct; (c) The good faith effort of any person to apprehend a person suspected in engaging in criminally injurious conduct.

{¶8} Applicant has the burden of proof to satisfy the court of claims that the requirements for an award have been met by a preponderance of the evidence. *In re Rios*, 8 Ohio Misc.2d 4 (Ct. of Cl. 1983). Further, the court has previously held that an uncorroborated statement of an applicant does not meet applicant's burden of proof to establish that criminally injurious conduct occurred. *In re Henderson*, 2012-Ohio-6364 (Ct. of Cl.). Applicant did not produce any evidence outside of her own statements in her filings that criminally injurious conduct, of which she was the victim, occurred. In fact, the

only evidence that criminally injurious conduct occurred shows that applicant was the alleged offender, not the victim. R.C. 2743.60(B)(1) states, in relevant part: "The attorney general or the court of claims shall not make or order an award of reparations to a claimant if . . . [t]he claimant is the offender or an accomplice of the offender who committed the criminally injurious conduct." Therefore, the magistrate finds that applicant has failed to prove by a preponderance of the evidence that she qualifies as a victim of criminally injurious conduct as defined in R.C. 2743.51(L), and, therefore, applicant is not entitled to an award of reparations.

{¶9} Upon review of the evidence in the claim file and the arguments presented at the hearing, the magistrate finds that the Final Decision of the AG is reasonable and lawful. Therefore, the magistrate recommends that the AG's January 29, 2025 Final Decision be AFFIRMED.

{¶10} *A party may file written objections to the magistrate's decision within 14 days of the filing of the decision, whether or not the court has adopted the decision during that 14-day period as permitted by Civ.R. 53(D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion within 14 days of the filing of the decision, as required by Civ.R. 53(D)(3)(b).*

HOLLY TRUE SHAVER
Magistrate

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

Filed 7/3/25
Sent to S.C. Reporter 9/9/25