

IN THE COURT OF CLAIMS OF OHIO

IN RE: LILIANA ROJAS

Case No. 2025-00758VI

LILIANA ROJAS

Magistrate Holly True Shaver

Applicant

DECISION OF THE MAGISTRATE

{¶1} On December 16, 2025, the court held an oral hearing on Liliana Rojas’ (“applicant”) appeal of the Attorney General’s (“AG”) July 28, 2025 Final Decision. Prior to the hearing, it was determined that a Spanish language interpreter was required. Gabriel Kirk, a Spanish interpreter certified by the Ohio Supreme Court, appeared at the hearing. After stating his qualifications, Kirk took the interpreter oath and was appointed by the magistrate as an interpreter for the hearing. Applicant appeared on her own behalf and Assistant Attorney General Candice Suffren appeared on behalf of the State of Ohio.

Procedural History

{¶2} On March 26, 2025, applicant filed a Crime Victims Compensation Application seeking compensation for medical expenses, lost wages, crime scene clean up, clothing damaged during medical treatment, and mileage related to a February 21, 2025 motor vehicle accident. Applicant alleged that she missed three days of work as a result of the incident and follow-up medical appointments. Applicant asserted that the offending driver was fleeing police immediately prior to the accident, although the police report did not reflect that information.

{¶3} On May 13, 2025, the AG rendered a Finding of Fact and Decision denying applicant’s claim. The AG noted that criminally injurious conduct, as defined in R.C. 2743.51(C), does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless it involves specific exceptional circumstances. The AG asserted that after its investigation, the facts did not support a finding that one of the motor vehicle exceptions found in R.C. 2743.51(C)(1)(a)-(e) applied. Therefore, applicant did not qualify as a victim of crime to be eligible for compensation.

{¶4} On June 6, 2025, applicant filed a Request for Reconsideration asserting that the offending driver was charged with fleeing/eluding an officer in a vehicle and failure to comply with an order or signal in a criminal case in the Franklin County Municipal Court. Therefore, applicant argued that she qualified as a victim of crime under one of the motor vehicle exceptions. On July 28, 2025, the AG rendered a Final Decision finding that the evidence did not show that any of the motor vehicle exceptions applied to this matter and denied applicant's claim. The AG noted that the municipal court case that applicant referenced occurred during a separate incident which did not involve applicant. The AG argued that in applicant's incident, the offender was charged with misdemeanors, not felonies. Therefore, the AG argued that applicant's incident did not meet any of the motor vehicle exceptions, and, therefore, applicant did not qualify as a victim of crime under the statute.

Factual Background

{¶5} At the hearing, applicant testified to the following events. After applicant travelled through a green light, another vehicle struck her vehicle and pushed her into a concrete lane barrier. After the accident, applicant stated that she saw the driver of the other vehicle exit the vehicle and start to run from the police. The driver was later arrested. Applicant stated that she got caught in the middle of a high-speed chase, and that the police had been chasing the offending driver. Applicant's mother and five-year-old son were in the vehicle with her when it was struck. Applicant and her mother were treated in the emergency room after the incident. Applicant did not sustain personal injury but testified that her mother's hands were fractured in the accident. The trauma department at the hospital advised applicant to file a claim for compensation.

{¶6} A review of the claim file shows that applicant was involved in a motor vehicle collision involving three vehicles. Vehicle 1 was driven by Danielle Henry, Vehicle 2 was driven by Larry Logan, and Vehicle 3 was driven by applicant. According to the traffic crash report, on February 21, 2025, at approximately 12:03 p.m., during snowy conditions, Henry ran a red light at an intersection, then collided with Logan's vehicle. The sheer impact and force of the accident caused Henry's vehicle to spin out, and Logan's vehicle then collided with applicant's vehicle. Henry's vehicle came to a stop against a concrete embankment. The force of the impact caused applicant's vehicle to

collide with Henry's vehicle near the concrete embankment. Henry was charged with no operator's license and running a red light and was arrested for having an active warrant. Both Henry's and applicant's vehicles suffered disabling damage and were taken to the Columbus impound lot. Logan's vehicle was driven away at the scene by the owner. The claim file also contains information from the Franklin County Municipal Court docket, which shows that Henry was charged with no operator's license, a first-degree misdemeanor, and traffic control device (presumably from running a red light), a minor misdemeanor, as a result of this incident.

{¶7} The claim file also contains a police report from a different incident, dated April 10, 2025, wherein officers conducted a traffic stop at 3:46 a.m. When officers approached the vehicle, Henry fled in the vehicle from officers. Officers later located the vehicle with Henry and another occupant. It was determined that Henry had several outstanding warrants for her arrest, and Henry was arrested at that time. Henry was charged with fleeing or eluding a police officer in a vehicle, a fourth-degree felony. The April 10, 2025 police report made no mention of applicant.

{¶8} The AG argued at the hearing that none of the motor vehicle exceptions found in R.C. 2743.51(C)(1) apply to the facts in this case. The AG noted that in the February 21, 2025 accident, Henry was charged with misdemeanors, not felonies. The AG also noted in the Final Decision that the incident from April 10, 2025 did not involve applicant, and that Henry's charge of a felony in that incident was not related to the February 21, 2025 accident with applicant. Therefore, the AG argued that the Final Decision should be affirmed.

{¶9} In response, applicant testified that the February accident occurred because Henry had an active arrest warrant and Henry ran a red light to get away from the police. The magistrate notes that the field investigation report from the AG's office states the following about the February 21, 2025 incident:

A phone call was received from Officer Brian Thatcher who stated he and his partner, that he was training, were in the area of a vehicle with a person possibly sleeping or unconscious. He stated that his partner got out of the cruiser to check on the person and before he could get to her vehicle, she drove off. Officer Thatcher stated that they did not chase Ms. Henry but did

start to follow her to see if there was any impairment. He stated that before they were even able to catch up to her, she ran the red light and the crash occurred. Officer Thatcher stated that once they arrived to the crash, they spoke with Ms. Henry and she was dazed but otherwise ended up being fine. He stated there were no indications of OVI, no smell of alcohol, and no signs of impairment. He stated they had not run her tags before the crash, so they were not aware of her warrant until after the crash.

Law and Analysis

{¶10} 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.

{¶11} As relevant to this claim, R.C. 2743.51(L)(1)(a) defines “victim” as, “[a] person who suffers personal injury or death as a result of . . . criminally injurious conduct.”

{¶12} R.C. 2743.51(C)(1) defines criminally injurious conduct as, “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, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.” However, R.C. 2743.51(C)(1) excludes from the definition of criminally injurious conduct “conduct arising out of the ownership, maintenance, or use of a motor vehicle” except when one of five enumerated exceptions applies. The motor vehicle exceptions apply when:

- (a) The person engaging in the conduct intended to cause personal injury or death;
- (b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony . . .;
- (c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;

- (d) . . . the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;
- (e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

{¶13} R.C. 2743.52(B) places the burden of proof on an applicant to satisfy the court of claims that the requirements for an award have been met by a preponderance of the evidence. “[T]he uncorroborated statement of the applicant does not constitute sufficient proof, by a preponderance of the evidence, to establish the criminally injurious conduct occurred.” *In re Henderson*, 2012-Ohio-6364 (Ct. of Cl.) citing *In re Warren*, V2008-30014tc (9-5-08) and *In re Minadeo*, V79-3435jud (10-31-80). After considering all the evidence, the magistrate finds that applicant has failed to prove by preponderance of the evidence that the conduct of the offending driver meets any of the motor vehicle exceptions, and, therefore, does not constitute criminally injurious conduct.

{¶14} No argument was made that Henry intended to cause personal injury or death when she ran a red light. In addition, nothing in the police report from the incident can be used to infer that Henry’s intent was to cause personal injury or death when she caused the motor vehicle collision. Therefore, the magistrate finds that R.C. 2743.51(C)(1)(a) does not apply. In addition, the police report and the field investigation report show that there were no indications of OVI, no smell of alcohol, and no signs of Henry’s impairment. Henry’s blood was not tested for alcohol. Furthermore, applicant does not allege that Henry was operating the vehicle under the influence. Therefore, the magistrate finds that R.C. 2743.51(C)(1)(c) does not apply.

{¶15} The one exception that applicant asserts is that Henry was a fleeing felon. If the basis for this assertion is the incident on April 10, 2025, this assertion fails. As noted by the AG, applicant was not involved in the April 10, 2025 incident when Henry fled police officers after a traffic stop and was charged with a fourth-degree felony. Thus, the April 10, 2025 incident cannot be a basis for recovery for applicant because it was not causally related to the collision with applicant on February 21, 2025. If applicant is arguing that Henry fled police officers during the February incident because Henry drove away before a police officer could get to her vehicle, the officer stated in the investigation report

that he did not chase Henry but was following her to see if she was impaired. Although applicant argues that Henry was fleeing from the police and that is why she ran a red light, there is not sufficient evidence in the claim file to support that contention. Furthermore, assuming arguendo that in February 2025, Henry fled the police officer because she knew she had an active warrant, R.C. 2743.51(C)(1)(b) states: “The person engaging in the conduct was using the vehicle to flee *immediately after committing a felony.*” (Emphasis added.) Although the claim file states that officers discovered that Henry had an active arrest warrant once they ran her license plates after the February incident, the presence of an active warrant does not equate to Henry using her vehicle to flee immediately after committing a felony. Therefore, the magistrate finds that the motor vehicle exception in R.C. 2743.51(C)(1)(b) does not apply.

{¶16} R.C. 2903.08 states, in pertinent part, “[n]o person, while operating . . . a motor vehicle . . . shall cause serious physical harm to another person.” Applicant testified that she did not suffer personal injury as a result of the motor vehicle accident. Although she testified that her mother suffered fractured hands as a result of the incident, her mother is not an applicant in this claim. Therefore, the magistrate finds that the exception found in R.C. 2743.51(C)(1)(d) does not apply.

{¶17} Lastly, R.C. 4549.02 and 4549.021 are referred to as the crime of “hit/skip”, when a driver leaves the location of an accident prior to exchanging information with the other driver. The evidence shows that Henry was sent to the hospital after the motor vehicle accident and that her identity was known at the time of the accident, despite applicant’s testimony that Henry fled her vehicle on foot. Therefore, the magistrate finds that R.C. 2743.51(C)(1)(e) does not apply.

{¶18} Upon review of the evidence in the claim file, the testimony presented at the hearing, and the arguments of the parties, the magistrate finds that applicant failed to meet her burden of proof. Specifically, the magistrate finds that applicant did not prove by a preponderance of the evidence that any of the motor vehicle exceptions found in R.C. 2743.51(C)(1) apply to the conduct of the offending driver, Henry. While the magistrate is sympathetic to applicant’s situation, the magistrate finds that applicant does not qualify as a victim of criminally injurious conduct pursuant to R.C. 2743.51(L)(1)(a) and R.C. 2743.51(C)(1). Therefore, the magistrate finds that the AG’s July 28, 2025 Final

Decision denying applicant's claim was reasonable and lawful and recommends that it be affirmed.

{¶19} 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 1/15/26

Sent to S.C. Reporter 3/26/26