

[Cite as *In re Dillard*, 2005-Ohio-2580.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: LEEANDRE' T. DILLARD	:	Case No. V2004-60768
LEEANDRE' T. DILLARD	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a February 12, 2004 shooting incident. On April 28, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.60(E)(1)(a) since the applicant pled guilty to and was convicted of Failure to Comply with Order Signal, a fourth degree felony, on May 10, 1996 which is within ten years of the criminally injurious conduct. On June 1, 2004, the applicant filed a request for reconsideration. On July 6, 2004, the Attorney General denied the applicant's claim once again.

{¶ 2} On August 5, 2004, the applicant filed a notice of appeal to the Attorney General's July 6, 2004 Final Decision. On March 14, 2005, the applicant's attorney filed a copy of the applicant's February 10, 2005 journal entry expunging and sealing Mr. Dillard's 1996 felony conviction. Counsel also indicated that he would like the case remanded to the Attorney General for economic loss calculations and decision. Hence, this matter came to be heard before this panel of three commissioners on March 23, 2005 at 11:35 A.M.

{¶ 3} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel's consideration. The Assistant Attorney General reported that on February 10, 2005 the

applicant's 1996 felony conviction was expunged and records sealed. Therefore, the Assistant Attorney General reiterated her request that the claim be remanded to the Attorney General's office for economic loss calculations and decision. After a brief discussion of the claim, the panel chairman concluded the hearing.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the applicant's claim should be allowed since the underlying felonious conduct for which he was convicted, but record recently expunged, was not an offense of violence as required by R.C. 2743.60(E)(1)(c). Therefore, the July 6, 2004 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for economic loss calculations and decision.

IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The July 6, 2004 decision of the Attorney General is REVERSED to render judgment in favor of the applicant;

{¶ 6} 2) This claim is remanded to the Attorney General for economic loss calculations and decision;

{¶ 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.

JAMES H. HEWITT III

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Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

ID #\5-dld-tad-032305

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

Filed 4-8-2005
Jr. Vol. 2256. Pgs. 172-174
To S.C. Reporter 5-25-2005