

[Cite as *In re Garrison*, 2005-Ohio-2633.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: CHARLES W. GARRISON	:	Case No. V2004-60938
ROSETTA A. MARVIN	:	<u>ORDER OF A THREE-</u>
LATOYA R. GARRISON	:	<u>COMMISSIONER PANEL</u>
Applicants	:	

: : : : :

{¶ 1} On July 1, 2003, Rosetta Marvin filed a reparations application seeking reimbursement of expenses incurred with respect to the June 17, 2003 murder of Charles Garrison. On October 22, 2003, the Attorney General denied Rosetta Marvin's claim pursuant to R.C. 2743.60(E) contending that she was convicted of felony welfare fraud on July 27, 1999, which is within ten years of the criminally injurious conduct. On November 21, 2003, Latoya Garrison filed a supplemental compensation application seeking funeral reimbursement. On March 4, 2004, the Attorney General denied the claim pursuant to R.C. 2743.52(A) asserting that Ms. Garrison failed to prove she incurred funeral expense. On March 19, 2004, Ms. Garrison filed a request for reconsideration. On June 17, 2004, the Attorney General granted Ms. Garrison an award in the amount of \$4,706.70 for unreimbursed funeral expense. On September 20, 2004, Ms. Garrison filed a notice of appeal to the Attorney General's June 17, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on February 23, 2005 at 10:15 A.M.

{¶ 2} The applicants, via telephone, and an Assistant Attorney General attended the hearing and presented testimony and brief comments for the panel's consideration. The applicants briefly testified concerning the funeral expense they incurred as a result of the criminally injurious conduct. The Assistant Attorney General, however, maintained that all funeral expense incurred by Latoya Garrison was granted in the Final Decision and that Ms. Marvin is not eligible to receive reimbursement due to her felony conviction.

{¶ 3} Former R.C. 2743.51(N) states:

{¶ 4} (N) "Funeral expense" means any reasonable charges that are not in excess of five thousand dollars per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial.

{¶ 5} 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 Latoya Garrison has failed to prove, by a preponderance of the evidence, that she incurred additional funeral expense as a result of the criminally injurious conduct. Rosetta Marvin's claim is denied pursuant to R.C. 2743.60(E) since she was convicted of felony welfare fraud on July 27, 1999, which is within ten years of the criminally injurious conduct. Therefore, the June 17, 2004 Final Decision of the Attorney General shall be affirmed. Should Latoya Garrison obtain evidence of additional economic loss that would be an appropriate basis for filing a supplemental compensation application.

IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The June 17, 2004 decision of the Attorney General is AFFIRMED;

{¶ 7} 2) This claim is referred to the Attorney General for payment of the \$4,706.70 award;

{¶ 8} 3) This order is entered without prejudice to the Latoya Garrison's right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

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

JAMES H. HEWITT III
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\3-dld-tad-030405

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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