

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: TROY D. WILKS	:	Case No. V2004-61004
TRACY BOYD	:	<u>ORDER OF A THREE-</u>
FELECIA BUTTS	:	<u>COMMISSIONER PANEL</u>
LATASHA HOPE	:	
Applicants	:	
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{¶1} Felecia Butts and Tracy Boyd filed reparations applications seeking reimbursement of expenses incurred with respect to the February 27, 2004 murder of Troy Wilks. On August 6, 2004, the Attorney General denied the applicants' claim pursuant to R.C. 2743.60(E)(1)(a) since the decedent was convicted of felony aggravated assault on August 19, 2002, which is within ten years of the criminally injurious conduct. The Attorney General denied Tracy Boyd's claim pursuant to R.C. 2743.60(E)(1)(d) since Ms. Boyd was convicted of domestic violence on April 22, 1997, which is within ten years of the criminally injurious conduct. Lastly, the Attorney General denied the decedent's minor dependent's claims pursuant to R.C. 2743.60(D) contending that all the dependents' economic loss had been or may be recouped from collateral sources, namely Social Security. On August 18, 2004, Felecia Butts filed a request for reconsideration. On September 17, 2004, the Attorney General denied the applicants' claim once

again. On October 18, 2004, Felecia Butts filed a notice of appeal to the Attorney General's September 17, 2004 Final Decision on behalf of the decedent's minor dependents. Hence, this matter came to be heard before this panel of three commissioners on January 13, 2005 at 11:25 A.M.

{¶2} Neither the applicants nor anyone on their behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that she rests on the documents contained in the case file. After a brief discussion of the case, the panel chairman concluded the hearing.

{¶3} 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 applicants have failed to prove, by a preponderance of the evidence, that the decedent's minor children incurred economic loss as a result of the criminally injurious conduct. According to information in the file, each minor dependent is currently receiving Social Security benefits (\$360.00 per month) that outweigh the amount they received in child support payments (\$102.00 per month). Tracy Boyd's claim for economic loss is denied pursuant to R.C. 2743.60(E)(1)(d), since she was convicted of Domestic Violence on April 22, 1997. Felecia Butts and Latasha Hope's personal claims are denied pursuant to R.C. 2743.60(E)(1)(a) since the decedent was convicted of felony aggravated assault on August 19, 2002, which is within ten years of the criminally injurious conduct. Therefore, the September 17, 2004 Final Decision of the Attorney General shall be affirmed. Should Felecia Butts and Latasha Hope obtain evidence of incurred economic loss, on behalf of the decedent's minor dependents, that would be an appropriate basis for filing a supplemental compensation application. Upon reaching the age of majority, the

decendent's minor children may, on their own behalf, file a supplemental compensation application.

{¶4} IT IS THEREFORE ORDERED THAT

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

{¶6} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

{¶7} 3) This order is entered without prejudice to the applicants' 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.

CLARK B. WEAVER, SR.
Commissioner

THOMAS H. BAINBRIDGE
Commissioner

JAMES H. HEWITT III
Commissioner

ID #\3-dld-tad-5120

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

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To S.C. Reporter 4-29-2005