

[Cite as *In re Chapman*, 2004-Ohio-6193.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: BRIANNA CHAPMAN	:	Case No. V2004-60229
MEREDITH BLAYLOCK-CHAPMAN	:	<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 September 11, 1999 child endangering and domestic violence incident concerning her minor daughter Brianna Chapman. The victim witnessed her father intentionally strike her mother with a motor vehicle. On October 30, 2003, the Attorney General denied the applicant’s claim pursuant to former R.C. 2743.60(E)(3) and In re Dawson (1993), 63 Ohio Misc. 2d 79, contending that the applicant engaged in felonious conduct during the pendency of the claim (April 2003) when she tested positive for cocaine on a hospital toxicology screening. On November 28, 2003, the applicant filed a request for reconsideration. On January 27, 2004, the Attorney General denied the claim once again. On February 26, 2004, the applicant filed a notice of appeal to the Attorney General’s January 27, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on August 18, 2004 at 10:45 A.M.

{¶ 2} Applicant’s counsel and an Assistant Attorney General attended the hearing and presented brief comments for the panel’s consideration. Case No. V2004-60229, V2004-60211 (the victim’s sister’s case), and V2004-60555 (the victim’s mother’s case) were heard simultaneously for hearing purposes. Applicant’s counsel contended that Brianna’s claim should

be allowed since she was a victim of criminally injurious conduct. However, the Assistant Attorney General asserted that Ms. Blaylock-Chapman engaged in felonious conduct during the pendency of the claim and therefore fails to qualify as an eligible applicant in order to receive an award of reparations on behalf of the victim. Nevertheless, the Attorney General conceded that if an eligible applicant, who has incurred economic loss on behalf of the victim, were to file a supplemental compensation application then the claim should be allowed. It was also noted that the minor victim had until she reached 20 years of age to file a supplemental compensation application herself.

{¶ 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. Pursuant to former R.C. 2743.60(E)(3), we find that the applicant engaged in felonious conduct during the pendency of the claim. Therefore, the January 27, 2004 Final Decision of the Attorney General shall be affirmed with respect to Ms. Blaylock-Chapman's claim. We note that an eligible applicant, who has incurred economic loss on behalf of the victim, or the victim (upon reaching the age of majority) may file a supplemental compensation application.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The January 27, 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) A supplemental compensation application may be filed within five years of this order, pursuant to R.C. 2743.68, by an eligible applicant;

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

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JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY BARWELL
Commissioner

ID #\3-dld-tad-082604

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

Filed 10-14-2004
Jr. Vol. 2255, Pgs. 59-61
To S.C. Reporter 11-19-2004

