

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: ERIC L. FRIES	:	Case No. V2004-60041
ERIC L. FRIES	:	<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 May 16, 2003 assault incident. On November 19, 2003, the Attorney General denied the applicant’s claim pursuant to former R.C. 2743.60(E)(1) contending that the applicant was convicted of three counts of felony trafficking in drugs and receiving stolen property on October 7, 2003, which is during the pendency of the claim. On December 10, 2003, the applicant filed a request for reconsideration. On January 7, 2004, the Attorney General denied the claim once again. On January 14, 2004, the applicant filed a notice of appeal to the Attorney General’s January 7, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on April 7, 2004 at 10:25 A.M.

{¶2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented brief comments for the panel’s consideration. Mr. Fries admitted that he was convicted of the above referenced crimes, but nevertheless asserted that his claim should be allowed since his felony convictions do not relate to the criminally injurious conduct. However,

the Assistant Attorney General maintained that the victim's claim must be denied pursuant to R.C. 2743.60(E)(1) since the victim was convicted of three counts of felony trafficking in drugs and receiving stolen property during the pendency of the claim.

{¶3} Former R.C. 2743.60(E)(1) states:

{¶4} (E) The attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

{¶5} The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

{¶6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the January 7, 2004 Final Decision of the Attorney General shall be affirmed pursuant to former R.C. 2743.60(E)(1).

{¶7} IT IS THEREFORE ORDERED THAT

{¶8} The January 7, 2004 decision of the Attorney General is AFFIRMED;

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

{¶10} Costs are assumed by the court of claims victims of crime fund.

THOMAS H. BAINBRIDGE
Commissioner

CLARK B. WEAVER, SR.
Commissioner

STEVEN A. LARSON
Commissioner

ID #\1-dld-tad-040704

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

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