

[Cite as *In re Gregory*, 2004-Ohio-4616.]

**IN THE COURT OF CLAIMS OF OHIO**  
**VICTIMS OF CRIME DIVISION**

IN RE: CHRISTOPHER E. GREGORY	:	Case No. V2004-60237
KIMBERLY GREGORY	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an August 17, 2003 hit and skip incident, involving the deceased Christopher Gregory. On January 23, 2004, the Attorney General denied the applicant's claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove the decedent qualifies as a victim of criminally injurious conduct under the motor vehicle exception as defined in R.C. 2743.51(C)(1). On February 2, 2004, the applicant filed a request for reconsideration. On March 4, 2004, the Attorney General denied the claim once again. On March 11, 2004, the applicant filed an appeal of the Attorney General's March 4, 2004 Final Decision. Hence, this matter came to be heard before this panel of three commissioners on June 2, 2004 at 10:45 A.M.

Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented a brief summary of the case. The Assistant

Attorney General reiterated that the claim must be denied pursuant to R.C. 2743.52(A) since the applicant has failed to prove, by a preponderance of the evidence, that the decedent qualifies as a victim of criminally injurious conduct under the motor vehicle exception, as defined in R.C. 2743.51(C)(1).

From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the March 4, 2004 decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

- 1) The March 4, 2004 decision of the Attorney General is AFFIRMED;
- 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;
- 3) Costs are assumed by the court of claims victims of crime fund.

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CLARK B. WEAVER, SR.  
Commissioner

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THOMAS H. BAINBRIDGE  
Commissioner

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KARL H. SCHNEIDER  
Commissioner

ID #\1-dld-tad-062204

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

Filed 7-30-2004

Jr. Vol. 2254, Pgs. 100-101  
To S.C. Reporter 8-26-2004