

[Cite as *In re Totten*, 2004-Ohio-6194.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: JAMES TOTTON	:	Case No. V2004-60342
JAMES TOTTON	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} On May 12, 2003, the applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a March 6, 2000 robbery incident. On August 11, 2003, the Attorney General denied the applicant's claim pursuant to R.C. 2743.56(B) and R.C. 2743.60(A) contending that the applicant failed to file a reparations application within two-years of the criminally injurious conduct. On August 18, 2003, the applicant filed a request for reconsideration. On February 17, 2004, the Attorney General denied the applicant's claim for an award of reparations once again. On March 18, 2004, the applicant filed a notice of appeal to the Attorney General's February 17, 2004 Final Decision asserting that he was unable to file a timely reparations application because he is illiterate. Hence, this matter came to be heard before this panel of three commissioners on August 18, 2004 at 10:35 A.M.

{¶ 2} The *pro se* applicant and an Assistant Attorney General attended the hearing and presented testimony and brief comments for the panel's consideration. Mr. Totton briefly testified that he was unaware of the filing deadline. Nevertheless, the Assistant Attorney General stated that the claim must be denied in light of the untimely filing of the reparations application.

{¶ 3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the February 17, 2004 decision of the Attorney General shall be affirmed.

{¶ 4} IT IS THEREFORE ORDERED THAT

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

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

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

JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY BARWELL
Commissioner

ID #\4-dld-tad-081804

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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To S.C. Reporter 11-19-2004