

[Cite as *In re Starr*, 2007-Ohio-1398.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: CHRISTINE M. STARR	:	Case No. V2006-20593
CHRISTINE M. STARR	:	Commissioners:
Applicant	:	Randi Ostry LeHoty, Presiding
	:	Gregory P. Barwell
	:	Karl C. Kerschner
_____	:	
_____	:	<u>ORDER OF A THREE-</u>
	:	<u>COMMISSIONER PANEL</u>
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{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an October 3, 2005 assault incident. On May 11, 2006, the Attorney General denied the claim pursuant to R.C. 2743.60(E) contending that the applicant engaged in felonious conduct since she was recently arrested for felony Deception to Obtain Dangerous Drugs. On May 22, 2006, the applicant filed a request for reconsideration. On June 5, 2006, the Attorney General determined that no modification of the previous decision was warranted. On June 23, 2006, the applicant filed a notice of appeal to the Attorney General’s June 5, 2006 Final Decision. On November 16, 2006, the Attorney General filed a supplemental memorandum recommending the Final Decision be reversed and the matter be remanded to the Attorney General for economic loss calculations, since the felony charge against the

applicant was dismissed. Hence, this matter came to be heard before this panel of three commissioners on November 16, 2006 at 11:00 A.M.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented an exhibit and brief comments for the panel's consideration. The Assistant Attorney General stated that after further review of the claim and in light of the dismissed charge, she now believes the Final Decision should be reversed and the matter should be remanded to the Attorney General for economic loss calculations.

{¶3} From review of the file and with full consideration given to all the evidence presented at the hearing, we find the June 5, 2006 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for economic loss calculations and decision.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The June 5, 2006 decision of the Attorney General is REVERSED and judgment is rendered for the applicant;

{¶6} 2) This claim is remanded to the Attorney General for economic loss calculations and decision;

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

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RANDI OSTRY LE HOTY
Presiding Commissioner

GREGORY P. BARWELL
Commissioner

KARL C. KERSCHNER
Commissioner

ID #4-dld-tad-112706

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 3-22-2007

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ORDER