

[Cite as *In re Dulin*, 2007-Ohio-2272.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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|-------------------------|-----------|-------------------------------|
| IN RE: ANTHONY L. DULIN | : | Case No. V2006-20828 |
| ANTHONY L. DULIN | : | Commissioners: |
| Applicant | : | Randi Ostry LeHoty, Presiding |
| _____ | : | Gregory P. Barwell |
| _____ | : | Karl C. Kerschner |
| | : | <u>ORDER OF A THREE-</u> |
| | : | <u>COMMISSIONER PANEL</u> |
| | : : : : : | |

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to an April 5, 2006 assault incident. On June 2, 2006, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.60(E) since the applicant was convicted of felony drug abuse on July 17, 1998, which is within ten years of the criminally injurious conduct. On June 27, 2006, the applicant filed a request for reconsideration. On July 20, 2006, the Attorney General determined that the previous decision warranted no modification. On August 18, 2006, the applicant filed a notice of appeal to the Attorney General’s July 20, 2006 Final Decision. On November 16, 2006 at 10:55 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented brief comments for the panel’s consideration. The Assistant Attorney General reiterated her position for

denying the claim. After a brief discussion of the claim, the panel chairperson concluded the hearing.

{¶3} Revised Code 2743.60(E)(1)(a) states:

Except as otherwise provided in division (E)(2) of this section, 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:

(a) 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.

{¶4} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the July 20, 2006 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The July 20, 2006 decision of the Attorney General is AFFIRMED;

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

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

RANDI OSTRY LE HOTY
Presiding Commissioner

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GREGORY P. BARWELL
Commissioner

KARL C. KERSCHNER
Commissioner

ID #\1-dld-tad-120406

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

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To S.C. Reporter 5-11-2007

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ORDER