

[Cite as *In re Janz*, 2007-Ohio-4705.]

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: LAURA D. JANZ

DONALD E. JANZ

Applicant

Case No. V2007-90200

Commissioners:

Karl C. Kerschner, Presiding

Thomas H. Bainbridge

Tim McCormack

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to the October 23, 2006 murder of Laura Janz (“decedent”) in Colorado. On January 10, 2007, the Attorney General denied the claim because the decedent was not a resident of Ohio at the time of the criminally injurious conduct and the criminally injurious conduct was not committed in the state of Ohio. On

January 29, 2007, the applicant filed a request for reconsideration. On February 21, 2007, the Attorney General denied the claim once again. On March 13, 2007, the applicant filed a notice of appeal to the Attorney General's February 21, 2007 Final Decision. At 12:30 P.M. on June 6, 2007, this matter was heard before this panel of three commissioners.

{¶2} Applicant's counsel and an Assistant Attorney General attended the hearing and presented oral argument for the panel's consideration. Applicant's counsel stated that the applicant is a resident of the state of Ohio, the funeral occurred in Ohio, and the decedent

{¶3} had been a previous resident of Ohio. Applicant's counsel explained that the Colorado Victims of Crime program only paid \$4,500.00 in funeral reimbursement (the maximum), but that funeral expenses totaled \$5,200.00. Applicant's counsel argued that R.C. 2743.51(A)(1) and (2) should be read in conjunction with one another, instead of separately.

{¶4} The Assistant Attorney General maintained that the claim must be denied. The Assistant Attorney General argued that in order to qualify as a victim or claimant pursuant to R.C. 2743.51(A), the victim must have been a resident of Ohio or the criminally injurious conduct must have occurred in Ohio. See *In re Allen* (1989), 61 Ohio Misc. 2d 361. The decedent lived in Colorado for 15 years prior to her death.

{¶5} Ohio Revised Code 2743.52(B) places the burden of proof on the applicant to satisfy the panel that the requirements for an award of reparations have been met. *In re Rios* (1983), 8 Ohio Misc. 2d 4. Here the decedent was not an Ohio

resident, but lived in Colorado for 15 years prior to her death, and was murdered in the state of Colorado. Pursuant to the clear dictates of R.C. 2743.51(A), the Ohio Crime Victims Compensation Act does not permit an award of reparations where both the crime occurs and the victim resides in a state other than Ohio at the time of the criminally injurious conduct.

{¶6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that neither the victim nor the applicant qualify to participate in the fund pursuant to R.C. 2743.51(A). Therefore, the February 21, 2007 decision of the Attorney General shall be affirmed.

{¶7} IT IS THEREFORE ORDERED THAT

{¶8} 1) The February 21, 2007 decision of the Attorney General is
AFFIRMED;

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

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

KARL C. KERSCHNER
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

ID #2-tad-061307

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

Filed 8-3-2007
Jr. Vol. 2265, Pgs. 200-202
To S.C. Reporter 9-13-2007

Case No. V2007-90200

-1-

ORDER