

[Cite as *In re Garrett*, 2007-Ohio-4756.]

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

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

IN RE: MORGAN GARRETT, III

MORGAN GARRETT, III

Applicant

Case No. V2007-90226

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 a July 25, 2006 assault incident. On February 26, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(E) because the victim was convicted of felony theft on January 28, 1997, which is within ten years of the criminally injurious conduct. On March 8, 2007, the applicant filed a request for

reconsideration. On March 14, 2007, the Attorney General denied the claim once again. On March 20, 2007, the applicant filed a notice of appeal to the Attorney General's March 14, 2007 Final Decision. At 1:00 P.M. on June 6, 2007, 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 summarized the case and reiterated her position for denying the claim.

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

(E) (1) 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 that the March 14, 2007 decision of the Attorney General shall be affirmed.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The March 14, 2007 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.

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KARL C. KERSCHNER
Presiding Commissioner

THOMAS H. BAINBRIDGE
Commissioner

TIM MC CORMACK
Commissioner

ID #\1-dld-tad-061307

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

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To S.C. Reporter 9-13-2007

