

[Cite as *In re Stanley*, 2007-Ohio-4700.]

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: STEPHEN A. STANLEY

Case No. V2007-90340

SHARI L. GROOMS

Commissioners:
Karl C. Kerschner, Presiding
Thomas H. Bainbridge
Tim McCormack

Applicant

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} Shari Grooms (“applicant”) filed a reparations application seeking reimbursement of expenses incurred with respect to the August 26, 2006 death of Stephen Stanley (“decendent”) by drug overdose. Julie Miller was indicted in connection with the decendent’s death on November 17, 2006 in Mercer County for involuntary manslaughter, corrupting another with drugs, permitting drug abuse, reckless homicide, and possession of drugs. On February 12, 2007, the Attorney General denied the claim pursuant to R.C. 2743.60(E) because the decendent’s blood tested positive for the presence of opiates on the coroner’s toxicology screening. On February 23, 2007, the applicant filed a request for reconsideration. On April 23, 2007, the Attorney General denied the claim once again. On May 2, 2007, the applicant filed a notice of appeal to

the Attorney General's April 23, 2007 Final Decision. On July 12, 2007 at 11:30 A.M., this matter was heard before this panel of three commissioners.

{¶2} Neither the applicant nor anyone on her behalf appeared at the hearing. An

{¶3} 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.

{¶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 applicant failed to prove by a preponderance of the evidence that the decedent qualifies as a victim of criminally injurious conduct. The establishment of the occurrence of criminally injurious conduct is a threshold question that must be addressed and satisfied before considering any of the disqualifying factors listed under R.C. 2743.60.

{¶5} In this case, even though various charges were filed against Julie Miller in connection with the decedent's death, there is no evidence of foul play indicating that her actions caused the decedent's demise. According to information in the file, the decedent voluntarily ingested a lethal dose of morphine. Based upon the above, we find the April 23, 2007 decision of the Attorney General shall be affirmed and that the claim shall be denied albeit pursuant to R.C. 2743.52(A).

{¶6} IT IS THEREFORE ORDERED THAT

{¶7} 1) The April 23, 2007 decision of the Attorney General is AFFIRMED;

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

{¶9} 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 #\1-dld-tad-072307

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

Filed 8-31-2007
Jr. Vol. 2266, Pgs. 101-103
To S.C. Reporter 9-13-2007

