

[Cite as *In re Elbkessini*, 2007-Ohio-4701.]

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: ANTONIOS ELBKESSINI

Case No. V2007-90366

ANTOINETTE BURGESS
WILLIAM BKASSINI
SONYA SARKIS
DUNIA BOUIOS

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

Applicants

ORDER OF A THREE-
COMMISSIONER PANEL

{¶1} The applicants filed a reparations application seeking reimbursement of expenses incurred with respect to the May 23, 2005 homicide of Antonios Elbkessini. On October 30, 2006, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicants failed to prove that they incurred economic loss as a result of the criminally injurious conduct. On November 30, 2006, applicant Antoinette Burgess filed a request for reconsideration. On April 2, 2007, the Attorney General granted applicant William Bkassini an award for funeral expenses in the amount of \$7,500.00. On May 2, 2007, Antoinette Burgess filed a notice of appeal to

the Attorney General's April 2, 2007 Final Decision. On July 12, 2007 at 11:35 A.M., this matter was heard before this panel of three commissioners.

{¶2} Dirken Winkler, attorney for William Bkassini, Dunia Bouios, and Sonya Sarkis, 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 of Antoinette Burgess. The Assistant Attorney General stated that Antoinette Burgess failed to prove that she or her minor son, Stephen Burgess, incurred economic loss as a result of the criminally injurious conduct. Attorney Winkler indicated his agreement with the Attorney General's Final Decision.

{¶3} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that Antoinette Burgess did not incur economic loss and that the remaining applicants have failed to prove that they incurred additional economic loss. If such evidence is obtained, it would be appropriate to submit a supplemental compensation application. Also, the panel notes that there are references that a minor, Stephen Burgess, was present at the scene of the crime. This decision does not prejudice Antoinette Burgess' ability to file a new and separate reparations application with the Attorney General's office on behalf of Stephen Burgess, as a victim in his own right. Based upon the above, we therefore find the April 2, 2007 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} The April 2, 2007 decision of the Attorney General is AFFIRMED;

{¶6} 1) This claim is remanded to the Attorney General for payment of the \$7,500.00 award to applicant William Bkassini;

{¶7} 2) This order is entered without prejudice to the applicants' right to file a supplemental compensation application, within five years of this order, pursuant to R.C. 2743.68;

{¶8} 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-071607

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

Filed 8-31-2007
Jr. Vol. 2266, Pgs. 104-106
To S.C. Reporter 9-13-2007

Claim No. V2007-90366

-4-

ORDER