

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: BARBARA G. WHALEY

Case No. V2007-90633

BARBARA G. WHALEY

Applicant

Commissioners:

Thomas H. Bainbridge, Presiding

Karl C. Kerschner

Randi Ostry LeHoty

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a series of domestic violence incidents which occurred prior to June 2007. On June 14, 2007, the Attorney General denied the applicant's claim based upon her conviction for Vandalism, a fourth degree felony, on March 22, 2000, pursuant to R.C. 2743.60(E). On June 28, 2007, the applicant filed a request for reconsideration. On August 28, 2007, the Attorney General denied the claim once again. On September 20, 2007, the applicant filed a notice of appeal to the Attorney General's August 28, 2007 Final Decision. On January 23, 2008 at 10:30 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} The applicant, applicant's attorney and an Assistant Attorney General attended the hearing and both counsel presented brief comments for the panel's consideration. The applicant's attorney conceded that the applicant had a prior felony conviction and accordingly, the claim would be barred by R.C. 2743.60(E). The Assistant Attorney General summarized the case and reiterated her position denying the claim.

{¶ 3} R.C. 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 August 28, 2007 decision of the Attorney General shall be affirmed.

{¶ 5} IT IS THEREFORE ORDERED THAT

{¶ 6} 1) The August 28, 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) The clerk of the Court of Claims shall list, or cause to be listed, Kent Mitchell's name on the appearance docket for this case as attorney of record;

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

THOMAS H. BAINBRIDGE
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

RANDI OSTRY LE HOTY
Commissioner

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

Filed 3-7-2008

Jr. Vol. 2268, Pgs. 18-20

To S.C. Reporter 11-3-2008